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ABSTRACT

Based on various international sources, this publication gives an overview of events affecting the indigenous peoples of the world during 1898. Part I, the International Work Group for Indigenous Affairs (IWGIA) Annual Report, describes the programs and activities of IWGIA during 1989. Part II addresses issues of political problems and progress, genocide, land disputes, health, and human rights. After an obituary for George Manuel, a great North American Indian leader, the yearbook focuses on particular geographic locations. A map for each section shows the names and locations of the indigenous people, as well as the population of the area. The report discusses the following areas: (1) the Arctic; (2) North America; (3) Central America and Mexico; (4) South America; (5) the Pacific; (6) Australia and Aotearoa (New Zealand); (7) East Asia; (8) Southeast Asia; (9) South Asia; (10) West and Central Asia; (11) Europe and North Asia; (12) Northern Africa; (13) West Africa; (14) the Horn of Africa; (15) East Africa; (16) Central Africa; and (17) South of Africa. References are listed after each section. Part III includes a series of legal documents on indigenous rights and position papers presented to IWGIA. Part IV summarizes important issues in indigenous movements, including those affecting indigenous women, indigenous people in the Soviet North, and land titling in Peru. (KS)

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YEARBOOK 1989

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International Workgroup for Indigenous Affairs (IWGIA) is an independent, international organisation which supports indigenous peoples in their struggle against oppression. IWGIA publishes the IWGIA Documentation Series in English and Spanish. The IWGIA Newsletter in English and the IWGIA Boletín in Spanish are published four times annually. The Documentation and Research Department welcomes suggestions and contributions to the Newsletters, Boletines and Documentation Series.

IWGIA publications can be obtained through subscription or purchased separately. Subscription fees for 1990 are the following: English-language publications for individuals cost US$ 25 (£ 18 or D.kr. 200), and for institutions US$ 40 (£ 28 or D.kr. 300); Spanish-language publications for individuals cost US$ 25 and for institutions US$ 40.

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This edition of the Yearbook has been compiled and edited by
Teresa Aparicio and Jens Dahl.

IWGIA

Yearbook 1989

Copenhagen 1990

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The Arctic	Jens Dahl and Claus Oreskov
North America	
Labrador	Georg Henriksen
Canada	Claus Oreskov and Frank Sejersen
U.S.A.	Arne Tomassen
Central America and Mexico	Teresa Aparicio and Diana Vinding
South America	Teresa Aparicio
Pacific	Diana Vinding and Frank Ringsted
Australia and Aotearoa	Diana Vinding
East Asia	
Japan	Frank Ringsted
Tibet	Anders Højmark Andersen
Southeast Asia	
East Timor	Torben Retsbøll
Malaysia and Indonesia	Frank Ringsted
Philippines	Danilo Geiger
South Asia	Frank Ringsted
West and Central Asia	
Afghanistan	Asger Christensen
Africa	Espen Wæhle and Aud Talle

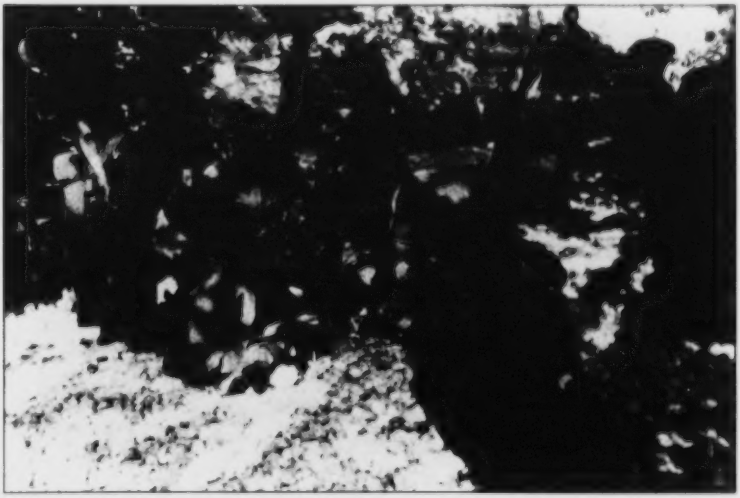
Map of indigenous population distribution

Introduction

Prologue

During 1989, the indigenous peoples' movement and organisation have grown notably and substantially stronger and more unified all over the world. However, there are still indigenous peoples that continue to suffer. This is especially the case of the *Yanomami* people in northern Brazil, of the Indian nations of Guatemala, of the *Jumma* nation of the Chittagong Hill Tracts in Bangladesh and of the Tibetan people, who all endure a direct and brutal genocide that is annihilating them physically and culturally. Campaigns in defense of these people, as well as protests directed at the respective governments and at international organs like the United Nations, have not received any response. Brazil, Bangladesh and China continue unpunished in exercising their genocidal politics.

The international community has expressed its solidarity especially with these people during 1989. In October, an independent International Commission was formed in Copenhagen with the objective of investigating



The Tibetan people were internationally recognized when the Nobel Peace Prize was awarded the Dalai Lama in 1989 but religious persecution continues to threaten nuns and monks who flee Tibet to escape imprisonment or death (photo: Anders Hojmark Andersen).

the Jumma people's critical situation. On 10 December, H. H. the Dalai Lama, the religious leader of the Tibetan people, received the Nobel Peace Prize for his efforts to establish a dialogue with China and find a peaceful solution to the situation in Tibet. At the beginning of the year, Davi Kopenawa Yanomami, well-known Yanomami leader who has fought to defend his people for many years, received the Global 500 Award of the United Nations, an award given to persons who have been outstanding in the defense of the environment. In October, Brazil's National Congress rendered an homage without historical precedent to Davi Kopenawa Yanomami, thereby expressing the National Congress's solidarity with the Yanomami people. In December, Davi Yanomami received the alternative Peace Prize in the name of Survival International .

While they and other indigenous peoples struggle for physical and cultural survival and for the right to self-determination the world indigenous movement continues its consolidation. During 1989, indigenous peoples from different and distant regions have been able to strengthen their basis and organise themselves, especially on a regional and a national level. In Scandinavia, in Northern Europe, the *Saami* people of Norway have established the Saami Parliament, whose members have been elected by universal suffrage; and in Eastern Europe, the first indigenous organisation in the Soviet Union was established officially in Moscow at the end of the year.

In the **Arctic** region, the *Inuit* people of Greenland celebrated the 10th anniversary of Greenlandic homerule, and for the first time, Saami and Inuit representatives from the Soviet Union were able to take part in the festivities.

In **South America** important results have also been reached. At the end of the year in Manaus, Brazil, the Permanent Commission for the Indigenous Organisations of the Brazilian Amazone (COIAB) was established. And in this same Amazonia region, the national indigenous organisation UNI has been able to consolidate its base and form a new regional UNI. Finally, in Venezuela, CONIVE – the first national indigenous organisation in the country – was founded.

As shown above, the indigenous movement has been able to bring about important achievements during 1989. However the majority of its people continue to face the hostile and racist societies that surround them.

The purpose of this IWGIA YEARBOOK is to give a global, if necessarily somewhat summarised, overview of what happened in the indigenous world during 1989.

Introduction

This is the first time that IWGIA is publishing both Spanish and English editions of its YEARBOOK since the first volume saw print in 1986. Owing

Inuit in kayaks off Sisimiut to meet delegates who came by boat from Alaska and Canada to the 1989 tri-annual ICC Conference where also Saami and Soviet Inuit attended (photo: Claus Oreskov).

to economic reasons, IWGIA has, until now, only been able to publish an English edition.

The first part describes IWGIA's activities during 1989. One of the most important events has been IWGIA obtaining -as a non-governmental organisation(NGO)- consultative status with the United Nations. The second part is the most extensive section of the YEARBOOK and its purpose is to give a general view of what has happened in the indigenous world during the year. In the following we give a short overview of this second section of the YEARBOOK.

In the **Arctic** region, the Inuit Circumpolar Conference (ICC) celebrated its tri-annual conference in Sisimiut, Greenland. In North America, 19 indigenous groups of Canada have signed a Treaty of Defensive Alliance following the NATO model. According to this Treaty, the indigenous groups promise to help each other mutually in case of attack on any one of them. In Alberta, in **Western Canada**, the *Lubicon* nation succeeded in forcing the oil companies, that have been operating in its territories -thereby destroying the people's environment and their possibilities for hunting and fishing- to close down the oil wells. Another indigenous people of Canada, the *Innu* people of the Labrador peninsula, continue to suffer from diseases and experience an increasing perturbation of their environ-

ment as a consequence of the supersonic flights at low altitude of NATO military aeroplanes. Although the use of the Innu territory by the NATO forces has been shown to be a violation of the United Nations Charter of Human Rights, and although the direct connection between certain diseases and the noise from the aeroplanes has been demonstrated, the NATO goes on with its military activities in Innu territory.

In **South America**, the most serious case is that of the *Yanomami* people, in the north of Brazil. The gold fever continues to attract hundreds of "garimpeiros" (gold diggers) to Yanomami territory. Aside from violent confrontations, that often end in deaths on both sides, the Yanomami are also threatened by devastating diseases. Despite the fact that the Brasilian Congress has ordered the immediate removal of the garimpeiros by the military forces and the police, the invasion of the Yanomami land continues.

In **Central America** the most serious cases of violation of the human rights of the indigenous nations have occurred in Guatemala and El Salvador. In Guatemala the army and the police forces continue to assassinate and torture with impunity the indigenous people of Guatemala; the CUC organisation has called for international solidarity in order to help stop one of the greatest genocides in the history. In ØEl Salvador, the indigenous organisation ANIS has kept on denouncing death threats from military and para-military groups who, under the pretext that indigenous leaders have contacts with extreme leftist parties, continue persecuting and menacing them. In ØNicaragua, leaders of the YATAMA organisation, among them Brooklyn Rivera, the well-known Indian leader who had chosen to go into exile in Honduras under the Sandinist government, have returned to Nicaragua in order to take part in the regional autonomy of the Atlantic Coast.

The **Pacific** region continues to experience problems caused by foreign governments' militarisation and nuclear activities. The United States carried out, together with allied countries military manoeuvers that covered the whole Pacific, and have established new bases for military testing in the Marshall Islands. As for the French government, it has continued its nuclear tests in Moruroa and Fangataufa, despite constant and innumerable protest actions. In July, members of the Polynesian Liberation Front commemorated the 23rd anniversary of the detonation of the first atomic bomb in Moruroa, with a hunger strike and asking that the Territorial Assembly initiate a discussion on the consequences of the nuclear tests.

In **Australia**, aborigine groups in the Northern Territory, keep fighting to retain their statuary power on their sacred sites which a new law proposal is trying to reduce. On the other hand, the Aborigines have had certain success in their fight for their land: the *Jawoyn* people succeeded, after 13 long years of struggle with the government, in getting the title deeds on some of their traditional lands.

The genocide continues in Bangladesh. In the traditional territory of the Jumma people, 9 indigenous villages were attacked by Bengali settlers in early 1989 killing 30, among them women and children(photo: IWGIA archives).

In **Southeast Asia**, military operations in the island of Mindanao, in southern Philippines, kept escalating and more than two thousand families from different ethnic groups were forced to seek refuge in other areas. All the indigenous peoples of the country, as well as their organisations, have unanimously rejected the regional autonomy proposal from the Government. In the Cordillera region, in the north of the country, the autonomy law would have meant for the indigenous peoples the loss of control of all the natural resources in the Cordillera. Indigenous leaders from the whole country have stated their decision to go on struggling for a genuine popular autonomy.

The people of West Papua have openly confronted the Indonesian forces that occupy the country, challenging the Indonesian transmigration policy and the resettlement schemes for four thousand tribal members that the Indonesian Government had announced in 1989.

The situation of the *Karen* people in Thailand has deteriorated during the year as the country's authorities have prevented groups of Karen refugees to cross the border to Burma, at the same time closing the refugee camps that serve as haven for the new arrivals. In Burma, military offensives against the Kachins and the Karens have forced many of them to flee across the border into China.

In the Chittagong Hill Tracts of Bangladesh, the army is pursuing the implementation of the genocidal policy dictated by the country's government. On the one hand, the Government continues its policy of resettling Moslem Bengalis on the traditional lands of the indigenous *Jumma* people. On the other hand, it continues the massacre of whole villages, thus obliterating the indigenous inhabitants. In May, the Bangladeshi army, together with armed Bengali settlers, attacked 9 indigenous villages in Langadu, killing more than 30 persons , among them also women and children.

In **East Asia**, the *Ainu* of Japan have denounced the assimilation policy that is practiced by the Japanese government. Ainu organisations have proposed that the Government replaces the Aborigine Protection Act with a new legislation with a view to making the Ainu people independent.

In **South Asia**, the *Bodo* Student Union of Assam, in the north of India, maintains its claim for the establishment of an autonomous state, Bodoland, in India. A positive step during 1989, after years of legal battles, has been the move of the government of Bihar to cancel all the plans for the construction of an hydroelectrical plant, that would have inundated the lands of thousands of tribal people. However, other dams are under construction despite the popular resistance against the destruction of the environment caused by these hydroelectrical plants.

In Sri Lanka, the *Tamils* are still the victims of abuse by military and paramilitary groups. Similarly, with their lack of land, the Tamils work as day labourers in the tea plantations and rubber estates, without being able to work full days that would allow them to feed their families, educate their children and look after the elderly.

The situation in **Africa** was presented for the first time to the Working Group on Indigenous Peoples of the United Nations during its annual session in Geneva. Moringe Parkipuni, an indigenous *Maasai* and a member of the Parliament of Tanzania, spoke not only about racial discrimination in South Africa, but also of the problems pastoralist groups have with environmental organisations.

The third section of the IWGIA YEARBOOK on indigenous rights deals with the revision of the ILO Convention 107; it gives different points of views, indigenous as well as non-indigenous, on the Convention.

The last part of the YEARBOOK looks at three different issues. The first article deals with the First International Conference of Indigenous Women, celebrated in Adelaide, Australia. The second paper describes the creation of the first indigenous organisation in Soviet Union. The third article examines the situation of ethnic groups in the Ucayali province in the north of Peru in connection with an indigenous land titling project. This project was established through an Agreement between the Interethnic Association of the Development of the Peruvian Amazon Forest (AIDESEP) and the Peruvian Ministry of Agriculture. It is being implemented by AIDESEP.

IWGIA World

One of IWGIA's major concerns in 1989 was the human rights situation in Tibet. In November, IWGIA co-sponsered a Human Rights Hearing on Tibet in Copenhagen. Photo shows the Tibetan woman who gave a testimony Mrs. Adhi Tapey, flanked by the sociologist Ronald David Schwartz to the extreme left, and to her right, Sven Feddersen of the Tibet Support Committee in Denmark.

IWGIA Annual Report

Introduction

1989 has been a year of consolidation in IWGIA activities both in terms of organizational work locally at the Secretariat and by IWGIA's national groups, as well as at an international level.

A very important event during 1989 was the granting to IWGIA of non-governmental, consultative status with the Economic and Social Council (ECOSOC) of the United Nations. This means that IWGIA has now the right to address Committees, Working Groups, and organizations under the United Nations.

Unlike the previous year when, owing to lack of funds, it was necessary to cut down on IWGIA's publications, this year IWGIA has been able to publish nearly all documentation scheduled for the year, both in Spanish and in English. In addition, IWGIA has been able to open two new posts in the Secretariat: an English Documentalist and a Spanish Documentalist. The positions have been occupied by Filomenita Mongaya Høgsholm and Mario Di Lucci and they will work full time and part-time respectively. These two new positions will enable IWGIA's Directors to coordinate the publications more thoroughly, and to devote more time to research and coordination of the general activities. In addition, IWGIA has also been able to employ two Anthropology students on a part-time basis. One of them has been working on IWGIA's card index files; the other one has made a bibliography on indigenous health and disease models in the Bolivian highlands, for IWGIA.

We are all sorry to see Andrew Gray move this year to England after working in the Secretariat for six years. He has now become a member of IWGIA's International Board and will continue with his commitment to IWGIA from the new position. Jens Dahl, former member of IWGIA's Board, together with Teresa Aparicio, who has now behind her a decade of work at IWGIA, form the team of IWGIA's co-directorship. IWGIA wishes to continue with the system of having two Executive Directors because it permits a division of labour which makes it possible for us to cover different indigenous issues more thoroughly. It also enables the Executive Directors to inter-change practical work and publishing responsibilities within IWGIA, with research activities outside the International Secretariat.

This report covers the main issues, in which IWGIA has been engaged during 1989, and it presents an overview of the indigenous world movement. The world-wide struggle for self-determination of indigenous peoples, and their ability to organize themselves regionally, nationally, and

Group picture with IWGIA Directors Andrew Gray and Teresa Aparicio and Human Rights Fund travel grantees to WGIP (Working Group on Indigenous Populations) meeting in Geneva (photo: Jens Dahl).

inter-regionally, is increasingly becoming an international force which governments are compelled to consider. In addition, the indigenous cause has won new advocates with the shift of focus by some environmental organizations who now include indigenous issues in their struggle to protect the world's environment.

The role of IWGIA continues to be that of supporting indigenous nations in their endeavour to shape and control their ways of life and their futures as they themselves see fit. Throughout the world IWGIA also actively supports and helps indigenous groups in organizing themselves. During the last few years IWGIA has been supporting locally-based initiatives by channelling applications from indigenous-controlled projects to the Norwegian State Development Agency (NORAD) and lately, to the Danish State Development Agency (DANIDA).

IWGIA's activities this year has covered a great variety of indigenous issues and it is not possible here to give a detailed account of all of them. We will, however, cover the main aspects of IWGIA's work in this report.

IWGIA's revised structure & statutes

IWGIA's revised structure was officially adopted during IWGIA's last Board meeting held in Fano (Denmark) in November 1989. At this Board meeting, IWGIA's revised structure was incorporated into IWGIA's statutes. The amended statutes were likewise passed during the same meeting.

IWGIA's highest authority is its International Board, recruited from the constituent parts of IWGIA: IWGIA's Council, IWGIA's national groups (formerly local groups) with one representative each, IWGIA's two Executive Directors and IWGIA's Administrator from the International Secretariat. An International Board Meeting takes place at least twice a year.

IWGIA's Council is composed of individuals from various countries who are committed to IWGIA's aims and who have experience in indigenous affairs. Council members attend IWGIA's International Board meetings, represent IWGIA internationally, and provide IWGIA with regular information on indigenous affairs. Appointments to the Council has to be approved by the International Board.

Every two years IWGIA's International Board chooses a Chairperson and Vice-Chairperson from IWGIA's Council members and the Chairperson's signature legally binds IWGIA in its activities. In the case of the Chairperson's absence, the Vice-Chairperson takes over the Chairperson's duties.

IWGIA's revised structure includes an Executive Committee. The Executive Committee consists of the Chairperson and Vice-Chairperson from the International Board and the Secretariat members of the International Board. The Executive Committee deals with routine matters concerning the Board in the interim period between Board meetings. The structure of IWGIA is as follows:

International Board:
Rene Fuerst – Chairperson (1989-92). He is a curator at the Ethnographic Museum in Geneva.
Georg Henriksen – Vice-Chairperson (1989-92). He heads the Institute of Anthropology in Bergen, Norway.
Aud Talle. Anthropologist. She works with the Swedish Development Agency and teaches at the Institute of Anthropology in Stockholm.
Espen Wæhle. Anthropologist. He works at the Norwegian Agency for Development Co-operation (NORAD) in Oslo.
Andrew Gray. Anthropologist. Recently moved to England. He is now undertaking a 3-year research program. He also tutors anthropology students at Oxford University.
Jens Dahl and *Teresa Aparicio*. Both are Anthropologists and are the Ex-

ecutive Directors of the International Secretariat. Their work includes the co-ordination and editing of all IWGIA's publications, and the co-ordination of IWGIA's international work and general activities.
Karen Bundgaard Andersen. She is IWGIA's administrator and responsible for the preparation of IWGIA's budgets, bank-accounts, and other relevant administrative tasks.
Representatives of IWGIA's national groups from Denmark, Norway, Sweden, and Switzerland.

Executive Committee:
IWGIA's Executive Committee is formed by Rene Fuerst, Georg Henriksen, Teresa Aparicio, Jens Dahl, and Karen Bundgaard Andersen.

IWGIA's National Groups

The work of IWGIA's national groups in Denmark, Norway, Sweden and Switzerland have mirrored IWGIA's process of consolidation. The different groups have made exhibitions on specific indigenous issues. They have published brief versions of IWGIA's Newsletters in their own languages, and they have also contributed to national debates on indigenous issues by publishing articles in the national newspapers and producing radio programmes regularly. In addition, they have also participated in international meetings on indigenous issues, and have likewise been able to hold international Conferences on the same. IWGIA's National Groups from Switzerland, Sweden and Denmark participated at the UNWGIP this year. Of the variety of issues undertaken by IWGIA's National groups, the following are worth mentioning:

IWGIA's Swedish National Group held a Chittagong Hill Tracts Conference in Stockholm on May 20-21. The Conference was attended by international NGOs, representatives from the Swedish State Agency for Developing Aid (SIDA), representatives from the Jumma indigenous peoples of the CHT, as well as a representative from the Bangladesh Embassy in Stockholm. The Conference provided a forum for open discussion on the current situation in the CHT. It also raised the issue of the Swedish involvement in Bangladesh; it also provided a basis for discussing the future work of European NGOs on the CHT issue.

The Zurich National Group has organized seminars on different topics. During the summer of 1989, the group organized a seminar entitled "Ethnology and Human Rights" at the Department of Anthropology, University of Zurich. After the seminar, an interdisciplinary group called *Rainforest Group of Zurich* was founded. The Group is expected to provide a discus-

Philippine Mangyan situation has not improved. IWGIA's Zurich National group has organized seminars and film evenings to illuminate the issue (photo: Danilo Geiger).

sion forum for human rights' organizations and environmental groups. Public lectures have been held by the Group, accompanied by relevant ethnological films on the situation of the Yanomami Indians in northern Brazil and the Mangyan people of the Philippines. The activities of IWGIA's National group in Switzerland have been supported by Prof. Loffler from the Institute of Anthropology in Zurich.

IWGIA-Norway has started to co-ordinate activities with other NGO organizations for the 1992 Indigenous Peoples Campaign (marking the 500 years of the arrival of Europeans in the Americas) as well as working towards the holding of a Conference during 1990, reflecting the role of NGOs on indigenous issues. A very important task of the Group has been the preparation of a new special issue of IWGIA's Norwegian Newsletter, containing articles on indigenous affairs exclusively.

The National Group from Denmark has been especially active in Arctic issues. The writing and editing of an IWGIA-compiled Document on Arctic environmental issues is nearly finished and will be published during the first part of 1990.
Likewise, a translation of the book "Arctic Hunters" for schools and high-

schools has been completed and it will be published at the beginning of this year. Furthermore, a major exhibition about Arctic Peoples, environmental issues and indigenous, traditional trapping methods was shown at the Roskilde music festival last summer. In addition, members of IWGIA-Denmark have contributed to the public debate on the same topics by publishing several articles in the Danish press.

Finances

IWGIA's 1989 budget shows a deficit, although not as serious as in previous years. The reasons for the deficit are mainly owing to an increase in production prices together with lack of funding for IWGIA's publications. Another reason is the fact that IWGIA has increased its networking efforts with indigenous peoples and organizations who in turn receive our publications free of charge. This results in an increase of publications volume and consequently an increase in production costs and postage. There is not one single funding agency for IWGIA's publications, therefore should IWGIA not succeed in raising adequate funds for the publications scheduled for 1990 , continuing our documentation work will become a serious problem. Up to now we have only succeeded in obtaining funds for a few specific documents and not for all of our publications such as a well co-ordinated publication-work requires. Added to this is the fact that IWGIA's funding agencies make their contributions for only one year at a time. This means that there is always uncertainty when planning our activities – what grants to earmark for what projects – since IWGIA is not sure whether the funds will still be available the following year.

Visitors

Anini Surui.
Anini is a *Surui* Indian from Rondonia, in western Brazil. During his visit to IWGIA we discussed a health project which is currently being implemented among the Surui and which NORAD is financing. We also discussed the current situation in his area and the fact that *madereras* companies are selling timber illegally from indigenous areas. IWGIA did arrange meetings with some environmental organizations, before which Anini explained how the environment is being destroyed by these timber companies. The Surui people have recently established their own organization, the Surui Association, which comprises all Surui groups in Rondonia. One of the primary objectives of the Association is to protect the land-rights of the Surui and to ensure that the extractive activities on indigenous lands are controlled by the Surui.

Catarino Sevirope
Sevirope is a Gaviao leader also from Rondonia. He came accompanied by Mauro Leonel, the Director of IAMA (Institute of Anthropology & Environment). We talked about the health situation of the Gaviao and other Indian groups in the area. We also discussed the possibilities of obtaining funds for a meeting which Sevirope wishes to organise with different Indian groups in Rondonia. IWGIA accompanied Sevirope and Mauro to NORAD in Norway in order to discuss NORAD 's possibilities of extending help to the Gaviao. The Gaviao Indians are currently setting up an organization which will comprise all the Gaviao groups.

Betty Mindlin and Mauro Leonel
Betty Mindlin and Mauro Leonel are Brazilian anthropologists who have collaborated with IWGIA and contributed to our publications for many years. Mauro is finishing a document for IWGIA on the consequences of road-building for indigenous groups in Brazil. Peter Frick, a German medical doctor who has been working among indigenous groups in Paraguay, joined us in one of the meetings where we held discussions on integrated health, education and development program for different Indian groups in Rondonia.

Luis E. Maldonado
Luis E. Maldonado is a *Quechua* Indian from Ecuador. He represents the National Confederation of Indians in Ecuador (CONAIE), the national umbrella organization for highland, jungle and coastal Indians in Ecuador. We talked about CONAIE's activities in connection with the 500 years' campaign for 1992, and the role Indian organizations wish IWGIA to take during their 500 years' campaign. CONAIE has started its own editorial house and has already published two volumes on indigenous nations in Ecuador.

Mrs. Kesang Y. Takla
Mrs. Takla is the Representative of the exiled Government of His Holiness the Dalai Lama, in London. She visited IWGIA in connection with a Hearing on Tibet which took place in Copenhagen on November 19th. Mrs. Takla informed IWGIA on the human rights violations in Tibet during the last two years, and the increasing militarization of Tibet which has led to an increase in violence and repression of the civilian population. We talked about IWGIA's support of the Tibetan people through the publication of information material on the situation in Tibet today.

Jimid Mansayagan
Accompanied by other indigenous representatives, Jimid Mansayagan,

from the Indigenous People's Research Center-Mindanao, Inc. in the Philippines, visited IWGIA in August. During this visit, Mansayagan talked about the continuing massive and indiscriminate violations of human rights of the Lumad indigenous peoples. The indigenous leader asked IWGIA to follow the specific case and related events closely, and to protest on the situation of the Lumad people before the Aquino Government.

Networking trips and Conferences

IWGIA also collects information on indigenous issues, and get acquainted with the indigenous reality, through f.ex. networking trips to indigenous areas. This year IWGIA visited indigenous peoples and organisations in Mexico, Belize, Guatemala and Costa Rica.

Andrew Gray, together with Miguel Alfonso Martinez, member of the UNWGIP and special rapporteur of an independent UN study on the nature of treaties and agreements between indigenous nations and nation

Onion Lake Treaty Six Gathering in July 1989 was a historical milestone for the indigenous peoples in North America. Andrew Gray represented IWGIA. (photo: Andrew Gray).

states, participated at an historical meeting held in Onion Lake, Canada. There, a sacred stone pipe ceremony was performed for the first time since the treaty negotiations in 1876.

Under the theme "Finding Common Ground", indigenous women from all over the world met for the first time in Adelaide, South Australia. IWGIA was one of the few NGOs which participated in this historical meeting. Teresa Aparicio who represented IWGIA at the meeting, was commissioned by the Women's Conference Assembly to bring to the UNWGIP, the Declaration of Unity formulated at the closing ceremony of the Conference. The Declaration was unanimously supported by the close to 1 500 participants of the Conference. An interim Womens's Committee was formed in order to co-ordinate the Second International Indigenous Women's Conference, to be held in Karasjok, Samiland, in August 1990. The Committee has asked IWGIA to give practical and logistic support to the International Indigenous Women's Committee in the future.

IWGIA has begun to regularly publish detailed and reliable information on the situation and the organization of indigenous peoples in the Soviet Union. The opening up of information channels as well as availability of travel possibilities now granted by the Soviet Government to its nationals, has been an extremely positive incentive for the indigenous peoples of the north. The Inuit people from Greenland, Alaska, and Canada, and the Sami people from Samiland can now see the fulfillment of many years' efforts towards bringing together Inuits and Samis living on both sides of the frontiers. Jens Dahl visited the Soviet Union, including Siberia, in the summer of 1989. It is expected that an indigenous organization will be established in the Soviet Union during 1990.

IWGIA's recent status as an international NGO has increased IWGIA's participation in the international arena. During 1989 IWGIA continued to follow the revision process of ILO Convention 107 in Geneva. The Convention has been passed, although not all indigenous peoples and indigenous organizations agree on the revision. IWGIA has taken the position of supporting the presence of indigenous representatives at ILO and accommodating their inputs into the revision process, and at IWGIA, we have documented the different positions in our reports and publications as accurately as possible.

IWGIA has continued to participate in the annual sessions of the United Nations Working Group on Indigenous Peoples (UNWGIP). This year IWGIA has also supported the participation of indigenous peoples in ILO meetings and at the UNWGIP sessions through the Human Rights Fund, of which IWGIA is a member.

IWGIA has likewise participated in other indigenous gatherings, such as the General Assemblies of the Inuit Circumpolar Conference (ICC) and the Nordic Sami Council, held in Greenland and Samiland respectively.

Claus Oreskov from the Danish National Group represented IWGIA in both meetings.

In addition, IWGIA has carried out evaluation work of development projects undertaken by indigenous peoples themselves and financed by Scandinavian State Aid Agencies.

Publications

IWGIA's publications have both English and Spanish editions. Each Document/Documento treats a special theme concerning the situation of a particular indigenous people. The Newsletters/Boletines contain latest news and articles, while the IWGIA Yearbook provides a global view of events in the indigenous world and accounts of developments, as well as comments and analyses.

Through information given directly to us by indigenous peoples, and through reports from the field by scholars working in the relevant areas, IWGIA seeks to inform and to exert influence on governments, international organizations and public opinion, thereby furthering understanding and knowledge of, as well as involvement in the cause of indigenous peoples.

All IWGIA publications are sent free of charge to indigenous groups and organizations around the world. Materials that see print in IWGIA's publications are often written by indigenous and non-indigenous researchers and by persons concerned with the indigenous cause.

In 1989, IWGIA publications came out almost as scheduled. The 1988 Yearbook was published in April and one of its themes was the 20th Anniversary of the founding of IWGIA. It devoted a special section on IWGIA's history from its founding in 1968 to the present. The second section of the Yearbook presented a global overview of the main events in the indigenous world during that year. The third section contained international issues such as the revision process of ILO Convention 107. It also included statements made by indigenous peoples on the draft Declaration of Indigenous Rights at the United Nations. Finally, The Yearbook focused on four indigenous issues: Deforestation and World Bank policies; Human Rights and Development in Southern Africa; Indigenous Peoples in Paraguay; and the situation of the Yanomami Indians in northern Brazil. The Yearbook ended with an useful cumulative Newsletter Index covering the period 1976-1988.

IWGIA Document No. 63, also published in Spanish as Documento No.9, contains the Proceedings of the IWGIA Symposium at the Congress of Americanists, held in Amsterdam, in July 1988 entitled *Indigenous Self-development in the Americas*.All the articles in the Document were written by the indigenous representatives who attended the IWGIA Symposium.

The articles deal with self-development, self-determination, and the value of indigenous knowledge.

Document No. 64 on Paraguay, is written by *Ticio Escobar*. Trained as a lawyer, the author of this Document is a Professor of Philosophical Anthropology at the Universidad Catolica of Asuncion, Paraguay. His many years' commitment to Human Rights generally, and indigenous rights in particular, is well known. The document has already been published in Spanish in Paraguay. Therefore, IWGIA has published the English Version only. Under the title *Ethnocide: Mission Accomplished?*, the document describes the cultural genocide committed on the indigenous peoples of Paraguay by the fundamentalist missionaries of the New Tribes Mission.

Two short Documents were published in Spanish in 1989: Documento No. 8: *A la Sombra del Dique Srisailámico*, is a study on the construction of an hydroelectric power dam which caused the forced removal of 150.000 people. The dam was built in Andhra Pradesh, south India. The document is the result of a research made by *K.R. Crowsry, DV. Subba Rao, G. Krishnamurty* and *G. Narendranath*.

Documento No. 9 gives a global overview of the situation of indigenous peoples in the Pacific region. This Document has been very much welcome among our Spanish-speaking readers since there is little information in Spanish on the Pacific. The author of this Documento is *Susana B.C. Devalle*, Professor of Anthropology in the Center for African and Asian Studies, the Colegio de Mexico, Mexico City.

IWGIA Newsletters (nos. 57 and 58) came out in May and August while Volume 9 of IWGIA Boletines appeared in two double numbers, 1&2 and 3&4, published in June and December respectively.

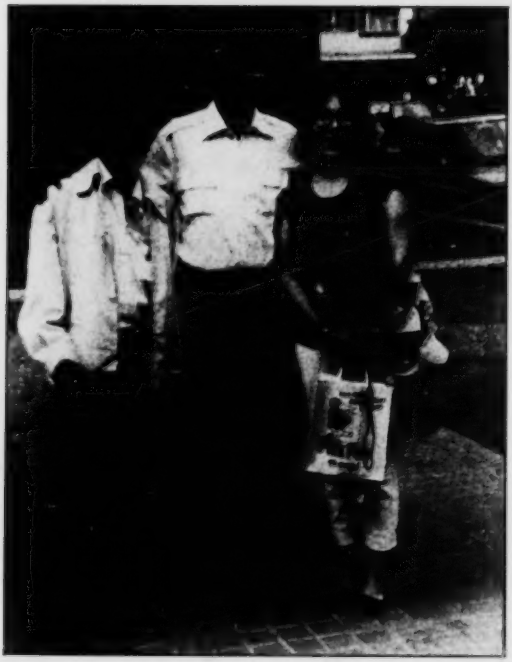
In addition, IWGIA has published several articles on indigenous issues in the Scandinavian media.

IWGIA's Programmes

IWGIA's work has been manifested through IWGIA's programmes that have been developing over the last few years. Although individually independent, IWGIA's programmes are nevertheless interrelated and deal with human rights, research, and development issues. This coordinated work structure permits the support of specific indigenous issues from several angles. At the same time, IWGIA's publications form the framework upon which all these activities are displayed.

Human rights programme

International work.
A way by which IWGIA supports indigenous participation in international



For the very first time, African Indigenous peoples came to the WGIP meeting, made possible through the Human Rights Fund. Richard Muzguida, a Hadza and Moringe Parkilpuny, a Maasai pose with IWGIA's Teresa Aparicio (photo: Jens Dahl).

events where indigenous issues are discussed, as well as further support indigenous political organization at the local, regional, national, and inter-regional levels, is by channeling funds directly to the indigenous peoples. In co-operation with support organisations from Holland and Belgium, IWGIA established the Human Rights Fund, a few years ago. The objective of the Fund is to ensure indigenous participation in international meetings, such as the UNWGIP, the ILO, and the UN Human Rights Commission, where indigenous issues are discussed.

Commissions & Hearings.
After several years' work, IWGIA has also succeeded in establishing in 1989 an independent international Commission to investigate human rights violations in the Chittagong Hill Tracts in Bangladesh. The Commission was formally established as an IWGIA-supported independent Commission in

Copenhagen, on October 15th. The members of the Commission are: Hans Pavia Rosing, an Inuit member of the Danish Parliament as well as member of the Greenlandic Parliament; Leif Dunfjeel, a Sami international lawyer; Wilfred Tilkamper, a German Vice-President of the European Parliament; Rose Murray, Coordinator of the Pilbara Aboriginal Language Center, in Port Hedland, Australia; and, Douglas Sanders, Professor in international law from Canada.

One of IWGIA's major concerns during 1989 has been the issue of human rights' violations in Tibet. The awareness and responsibility of the international community regarding the seriousness of the situation in Tibet, and the threat which the Tibetan people are facing, have clearly been expressed at many levels by the international community during 1989. Human rights NGOs, as well as other international institutions, have formulated recommendations in order to promote democracy and respect for basic human rights in Tibet. IWGIA supported a Human Rights Hearing on Tibet held in Copenhagen on November 19th.

Actions.

During 1989 IWGIA has undertaken different actions in connection with indigenous issues which have required IWGIA's written expression of its concerns before the relevant authorities when indigenous rights have not been taken into consideration or openly violated.

1. *Mexico.* IWGIA protested before the Mexican Government, on the assassination of *Elpidio Dominguez Castro* Purhepecha Indian leader. IWGIA asked the Mexican authorities to exert all possible efforts to find and judge the perpetrators of the crime.
2. *Paraguay.* A cable expressing IWGIA's concern over the situation of the *Myba* who, despite governmental promises, have yet to see their communities legallytitled, was sent to the relevant organs of the Paraguayan authorities. Since the communities of the Myba people live within the Caazapa project which has been supported by the World Bank, and which accepted the project on condition that the indigenous rights of the peoples in the region were respected, IWGIA has also expressed its concern before the World Bank.
3. *Canada.* IWGIA protested to Canada's Prime Minister and other Canadian authorities, on the decision to penalise the communities which hosted the Onion Lake meeting.
4. *Burma.* Letters of concern on the situation of the *Karen* people living in the border areas between Burma andThailand, in connection with an expected military offensive which would cause tremendous casualties among the Karens, were sent to the Burmese authorities, and to various international human rights groups and institutions such as the UNWGIP. IWGIA also sent out a press release on the subject.

5. *Sri Lanka.* IWGIA, through the Human Rights Fund of which IWGIA is a member, has made known to the public media our concern about the reports on human rights violations on the *Vedda* people.
6. *Philippines.* IWGIA sent a letter to President Corazon Aquino, expressing our concern on the situation of the *Lumad* people in the Davao-Cotabato provinces in Mindanao. The counter-insurgency operations conducted by the Philippines military forces have brought great suffering on the Lumad people. IWGIA asked the Aquino Government to stop the counter-insurgency operations and to put an end to the human rights violations of the Lumad people by military units supposedly engaged in fighting rebels.

Davi Kopenawa Yanomami was recipient of the Global 500 Award, the alternative Livelihood Foundation peace prize, on behalf of Survival International (photo: Claudia Andujar).

Other actions taken by IWGIA during 1989, have been directed to greet indigenous peoples during historical moments when their fight for self-determination have had a positive and pragmatic outcome. Among these are a cable sent to H.H. the Dalai Lama congratulating him on his Nobel Peace Prize Nomination. Another greeting-cable was sent to the newly established Sami Parlament in the Norwegian part of Samiland. IWGIA has also congratulated the Brazilian Indian leader *David Yanomami*, for the Livehood Foundation Peace Prize which he received on behalf of Survival International.

Development programme.

IWGIA has increased its involvement in supporting indigenous-controlled projects in 1989, and we have been able to channel funds from Scandinavian funding agencies to indigenous peoples.

IWGIA has a long record in trying to persuade funding agencies that, indigenous peoples' who normally are not included in any of the group-criteria used by funding agencies, should be made the specific target groups for development aid. Equally important, development aid directed to indigenous peoples should aim to further indigenous self-organizing as well as to secure indigenous land-rights as the primary and necessary basis for indigenous self-development.

Crucial to the development of indigenous self-organization is that the indigenous peoples themselves interpret and codify events through their participation in the political process. IWGIA has therefore regarded it as a major task to further political participation and self-organization by finding ways of funding travels for indigenous peoples' participation in political meetings, by providing infrastructure such as offices, typewriters, transportation (boats and trucks), etc. The funds are provided by the various Nordic agencies for International Development, first and foremost the Norwegian Agency for International Development Cooperation (NORAD). DANIDA, the Danish counterpart of NORAD, has also extended its help to indigenous organizations during 1989 through IWGIA.

Funding agencies & Development projects

Since 1987, IWGIA has had a working contract with NORAD to formalize the already existing cooperation on indigenous development projects between the two organizations. The contract involves IWGIA providing assistance to NORAD on indigenous projects. Occasionally, IWGIA, in cooperation with the indigenous peoples involved, has carried out evaluation of projects financed by NORAD.

Up to 1987, IWGIA's role was to act as the go-between between the

indigenous groups and development aid agencies by providing the former with information about the possibilities for funding, and by assisting them in getting the application papers sent in the proper format required by the funding agencies, etc.

As IWGIA succeeded in channelling funds for such activities and other projects as well, the organization started to receive an enormous amount of applications from various indigenous peoples and groups. After a series of meetings, NORAD agreed to accept the applications from indigenous organizations directly without coursing it through IWGIA. Yet, in order to be able to process the applications in a defensible way, NORAD still requested the assistance of IWGIA. For IWGIA this implied some amount of work with the applications in consultations with the indigenous applicants. Hence, IWGIA came to function more as consultant in the process. Since NORAD insisted on the usefulness of this input, IWGIA in co-operation with the Nordic Sami Council, negotiated an agreement with NORAD concerning the conditions of this consultative work. However, as the Nordic Sami Council does not at the moment have the necessary personnel to carry out the job, they let IWGIA do the job alone until such a time that the Nordic Sami Council will have at its disposal the necessary trained people to put in effect the contract between NORAD and IWGIA.

A major point for an organization like IWGIA is that it can assist indigenous peoples in their own process of self-organization by helping them to finance infrastructure, travels, projects, etc. Yet, it is also an overreaching principle for IWGIA not to interfere in indigenous peoples decision-making, nor in the processes of codification through which people come to attach meanings to particular acts and events.

It may be impossible to participate in the handling of project applications without some interfering or influencing indigenous political affairs. Nevertheless, in our opinion, IWGIA like other support organizations, has a right and a duty to participate in the dialogue that is taking place in the international community about indigenous – state relations, and indigenous affairs in general.

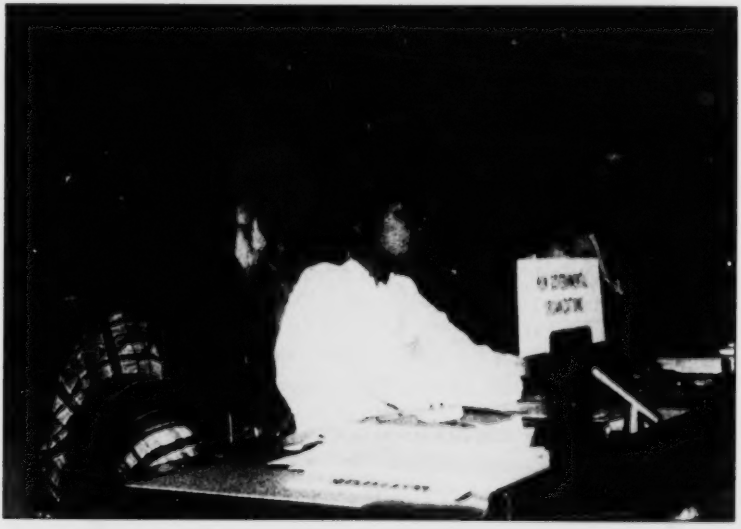
On behalf of the Inter-ethnic Association of the Peruvian Amazon (AIDESEP), IWGIA in 1989 obtained financial support from DANIDA for a project dealing with the titling and demarcation of over one hundred indigenous communities. It is a three-year project based on a formal agreement between AIDESEP and the Peruvian Ministry of Agriculture. An IWGIA evaluation team, composed of Andrew Gray and Søren Hvalkoff, which visited the area of the project together with members of AIDESEP, indicated the possibility of extending the demarcation and titling to another hundred or more communities.

Teresa Aparicio made an evaluation trip to Peru at the end of the year, arranged by the indigenous organizations involved in projects. The evalua-

tion dealt with several developmental projects in the Peruvian Amazon by the Aguaruna and Huambisa Council (CAH) and financed by NORAD. The visits to the communities where the projects are located, and the evaluation on the running of the projects so far, were made together with the members of the communities involved and with members of CAH's leadership.

Research Programme.

Research project.
During 1989 IWGIA laid the foundations of a research project at IWGIA. The project deals with the concepts of development and self-determination seen from different perspectives. Its aim is to contribute to development theory through the analysis of indigenous peoples' political and cultural manifestations in the fields of land-rights, ethnic identity, and political systems. The project includes both indigenous and non-indigenous researchers.



Self-determination has been the quest of the Igorots from the Philippine Cordillera. 2 Cordillera women representatives before the WGIP in Geneva,1989 (photo: Jens Dahl).

The Resource Centre.
During 1989 IWGIA's Resource Centre has received several important research material, sent by indigenous organisations and support institutions, on Brazil, Tibet, and the Cordillera region in the Philippines. In similar fashion, IWGIA has been able to enlarge its video collection, and the research material now available to the general public has increased considerably.

IWGIA continues to be the center of the European Information Network on the Chittagong Hill Tracts, which provides a number of European support groups with relevant and up-to-date information on the situation of the indigenous peoples' in the CHT of Bangladesh.

The Resource Center provides research facilities for scholars who study specific subjects. In addition, IWGIA's International Secretariat, as well as members of IWGIA's national groups, organize seminars and lectures in universities and public schools in order to increase understanding on indigenous affairs.

Indigenous Women's Programme.
Patricia Jorquera and Teresa Aparicio have continued gathering research material on indigenous women, and compiling and editing the indigenous women's document which has been underway for nearly three years. The document is nearly completed and we expect to be able to publish it in connection with the Second International Indigenous Women's Conference, to be held in Samiland, in August 1990.

Conclusions

During 1989 IWGIA has consolidated its work at various levels. Unlike the previous years, we have been able to publish all IWGIA publications as scheduled. The opening of the two new positions as Documentalists will ensure a more coordinated and regular stream of publications.

IWGIA's new structure has resulted in a wider and more dynamic representativeness of the organization. The International Board, still headed by IWGIA's President and Vice-President, now includes representatives from the national groups, as well as members from the International Secretariat.

IWGIA's work and activities are now firmly canalized into our programmes on Human Rights, on Development, and on Research. Some of the activities that have been underway for a number of years, were finally completed in 1989. Among others, establishing officially an independent Commission to investigate human rights violations in the Chittagong Hill Tracts of Bangladesh.

IWGIA's research programme includes a newly-established research project which is the result of a coordination process between IWGIA's researchers and other research institutions. The project deals with an analysis of the concepts of development and self-determination from different perspectives. The project aims to undertake a revision of, and make a contribution to, development theory.

IWGIA's commitment to the indigenous cause during the last 20 years has now culminated in the United Nations granting the organisation consultative, NGO status under the Economic and Social Council of the UN. This new position will help IWGIA to augment indigenous presence in international gatherings, where issues concerning the lives and well being of indigenous peoples' are discussed.

1990 and the work ahead

IWGIA is planning several documents for 1990. Among them, Volume Two of the Indigenous Women's Document which will be a compilation of the papers presented at the Second International Indigenous Women's Conference scheduled for August 1990. An indigenous researcher from Canada, Winona La Duke, has voluntered to compile and edit this second volume. Mauro Leonel from Brazil, has now completed his manuscript on the consequences of road building for Brazilian Indians, and we expect to be able to publish the document next year. A long overdue Document compiled by Robert R. Hitchcock, on the situation of the Basarwa people in Botswana, is also underway.

With the help of IWGIA's Documentalists, we are planning to improve the format of our Newsletters and Boletines which will appear simultaneously, and with identical content, from next year on. In this manner we hope to ensure a better coordination of IWGIA's publications in the future.

IWGIA will continue participating in, and contributing to, the work of the UN Work Group on Indigenous Peoples. Furthermore, IWGIA's NGO status will permit our organisation to participate regularly at the UN Commission of Human Rights.

In order for IWGIA to be able to carry out the activities programmed for next year, and continue with our human rights initiatives, our work on development issues, and our research programme, we depend on the funding agencies' continuing support to IWGIA. We wish to thank all our financial supporters for the help granted in previous years, and we appeal to them to look favourably on our applications for 1990.

George Manuel

An Obituary

By Jørgen Brøchner Jørgensen

On November the 15th last year the great North American Indian leader George Manuel, of the Shuswap Nation passed away at the age of 68. Born on the Neskonlith reserve in what is called British Columbia, Canada, he lived a life devoted to exposing and combatting injustices being committed not only against his own people, but against all indigenous peoples around the world.

George Manuel grew up in the 1920s, a period in which the domination and assimilation politics of the Canadian authorities began to be effective in Shuswap. He belonged therefore not only to a generation knowing the traditional lifestyle and values, but also to a generation which was exposed to the start of decades of profound change, a generation which, for a lifetime, witnessed their values being mocked and their land encroached upon by White society.

The experiences of discrimination against Indians guided George Manuel into an active political life, which eventually took him through the North America Indian Brotherhood (NAIB), the National Indian Brotherhood (NIB), which is now the Assembly of First Nations (AFN), The World Council of Indigenous Peoples (WCIP) and the Union of B.C. Indian Chiefs (UBCIC). He served as President for the NIB, the WCIP and the UBCIC, and when dealing with national and international issues, it was characteristic that George Manuel never forgot the people at community level.

As president of the NIB for three terms (1970-1976), he was not only a major figure on the scene of national Indian politics in Canada, but also significant in establishing connections with other indigenous peoples around the world. Visits to many of these peoples strengthened George Manuel's belief that although the actual conditions of indigenous peoples around the world differed, they shared a common historical experience, and as such a potentially united voice.

He conceived the idea of an International Conference of Indigenous Peoples and after some years of intensive preparations, supported among others by the late Helge Kleivan of IWGIA, such a meeting was held in Oc-

tober 1975 in Port Alberni, Canada. At this conference, the World Council of Indigenous Peoples (WCIP) was formed and until 1981 George Manuel served as President. When his health gradually forced him to live a less active life, he nonetheless followed the development of indigenous politics with keen interest, and often contributed with advice and well-chosen comments.

I do not hesitate to write that indigenous politics also involves alliances, competition, intrigues and conflicting political strategies among various indigenous leaders and their followers. There is nothing surprising in this, which is a composite quite similar to our own political parties. What is unique, however, is the case, where a political leader is highly respected even by those who might dispute her/his strategy and ideology. Having met with many indigenous representatives during the years,it is my sincere belief that George Manuel was such a leader - a leader whose words carried weight among many different sections of indigenous politics. And this respect was not only limited to the indigenous reality, but reached far into the white world of government circles, with which he fought and negotiated for the rights of the Indian Nations. That respect was often expressed at conferences and meetings, but more explicitly it was seen in 1986, the year George Manuel received the "Order of Canada". It was not only the highest distinction possible in Canada; George Manuel was also the first Native Canadian ever to be honoured with it.

Although some -hopefully only here in Europe- may not realize it, George Manuel has left his mark on the current international struggle for indigenous rights. Looking back 20, 30 or more years we will find a reality for indigenous peoples, which differs from today, when the voices of indigenous peoples are heard in the corridors of national as well as international institutionalized power. Although there is still a long way to go from sympathy to genuine political action and recognition among the inhabitants of those corridors, the work, so far, has caused many barriers to fall during the last few decades. This change in attitude is due to men like George Manuel, who acted upon injustice and accomplished much of what they strived for.

George Manuel was a major figure in the struggle of justice for Indigenous peoples and he will undoubtly continue to be so in the future. He may have left this world, but he wrote history and left us a legacy to be continued - indigenous and non-indigenous alike. My sincere condolences go to his family and close friends.

Jorgen Brochner Jorgensen has been with the International Secretariat of IWGIA from 1976-1987.

GEORGE MANUEL: In Memoriam

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Map of the Arctic

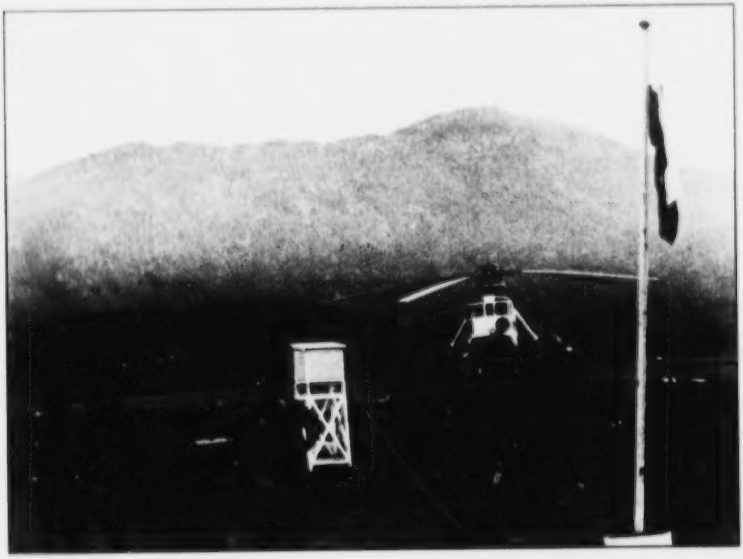
Indigenous Populatio: 100,000 Inuit

1. *Chukotka*
2. *Aleut*
3. *Dene/Metis*
4. *Inuit*

A real breakthrough in cooperation between indigenous peoples from Eastern and Western Arctic is now a reality. It all began in 1977 when the Inuit Circumpolar Conference (ICC) was founded in Barrow, Alaska, thus uniting Inuit in Canada, United States and Greenland under a new organisation. In 1988 representatives from ICC visited their Inuit relatives in Chukotka, Siberia. Since then, travelling across the Bering Strait has been made possible. A further step was made when Inuit and Chukchi from Siberia took part in ICC's 5th General Assembly held in Sisimiut, Greenland in the summer of 1989. The assembly was held under the motto "A celebration of Inuit Unity".

Also in 1989 an agreement of cooperation between Greenland and the native-led Northwest Territories of Canada was concluded. This agreement should further cooperation within fishery, scientific research, education, tourism and cultural affairs.

The most serious issue dealt with at the ICC assembly was the threat against Inuit hunting of marine mammals. Whales and seals are essential to most Inuit populations, and during the last decade a number of measures



"The circle is completed", says ICC Vice-President Aqqaluk Lynge to journalists upon the Soviet Inuits' landing at Sisimiut Heliport to attend the tri-annual ICC meeting in 1989 (photo: Claus Oreskov).

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have been taken by Inuit themselves to conserve these species. One of the first initiatives was made when Inuit (Eskimos) in Alaska some years ago established the Alaska Eskimo Whaling Commission. Later, ICC developed an Inuit Regional Conservation Strategy. Then, in June 1989 the Secretary-General of the United Nations presented the ICC with a Global 500 award for "outstanding achievements in protection and improvement of the environment".

Nevertheless, the animal rights groups' campaigns against seal and whale hunting continue to be a most serious threat against all indigenous cultures of the Arctic and the Subarctic. Efforts to extend the EEC (European Economic Community) seal-skin ban indefinitely is extremely detrimental, as is the introduction of fur-labelling requirements directed against the use of leg-hold traps.

The decrease in world market prices on seal pelts have caused damage to all Inuit hunters. But, as a paradox, the fishermen in Greenland now complain of a recent boom in the seal population and implying a reduction in the fish populations.

In 1989 Greenland celebrated 10 years of national self-government or Greenlandic Home Rule. The Greenlanders themselves are now in control of all matters concerning education, economy, culture, land use, national political matters, etc. There is a general agreement that the process towards self-government in Greenland has been much more radical than anticipated 10 years ago.

In all the years with Greenlandic homerule, government has been led by the socialist or social-democratic Siumut Party. The support behind Siumut and the leftwing Inuit Ataqatigiit was further strengthened at municipal elections in Spring, in which the conservative Atassut Party lost many positions in the municipal councils. Countrywide, Siumut obtained 42%, Atassut 32% and Inuit Ataqatigiit 14% of all votes.

Although Greenland mainly depends on fishing, the anti-sealing campaign has made its mark on the economy of people whose primary subsistence is hunting combined with fishing.

Indigenous people of the Arctic very often stress how Arctic environments are vulnerable in case of pollution and industrial developments. This was, unfortunately, fully proved in Alaska when, in March, an oiltanker ran aground in Prince William Sound. The oil-spill which followed was enormous and had catastrophic effect on fishing communities in Prince William Sound and south-west along the Alaska Pacific coast. This is a rich salmon fishing region and many Native communities rely completely on fishing as the only income-generating activity. To some Native villages this was the second Good Friday disaster; in 1964 several villages were destroyed and flooded by an earthquake, and now, exactly 25 years later, the economic fundament of the same villages was gone for an unknown future.

At the end of the year a second blow was directed against Native Alaskans (*Aleut, Indian and Eskimo*) as the Alaska Supreme Court ruled against subsistence preferences. These were, in practice, to the advantage of Alaska's indigenous people and of utmost significance to the majority of Natives, who live in rural communities. However, at the end of the year the full effect of the new subsistence ruling were unclear.

Inuit in the Canadian Northwest Territories came a step closer towards self-government and the creation of their own territory, Nunavut ("our land"). In December a tentative Nunavut land claims agreement-in-principle was agreed upon by Inuit negotiators and the Ottawa government. The final agreement in principle is expected to be signed in Spring 1990. A problem which still remains to be solved is the exact location of the boundary between Inuit land and Indian land to the south. Several years of dispute between the indigenous people continued in 1989 and no final solution was found.

In one of Canada's other provinces, Quebec, disagreements between two groups of Inuit seem to be solved. Following a referendum from 1987, an election by universal suffrage was held in northern Quebec (called Nunavik). A six member constituent assembly was elected to prepare a draft constitution leading to the establishment of a regional government of Nunavik. The draft constitution is expected to be presented to the Inuit of Quebec and to the government of Quebec in 1991.

Source: Nunatsiaq News, Rencontre, Makivik News.

Map of North America

Indigenous Population: 3.5 million

1. *Haudenoshaunee/Mohawk*
2. *Innu*
3. *Lubicon Cree*
4. *Haida*
5. *Athbascan, Cree*
6. *Lakota*
7. *Anishinabe*
8. *Western Shoshone*
9. *Yurok, Karok, Tolawa*
10. *Hopi/Diné (Navajo)*
11. *Puyallup*

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NORTH AMERICA

In **Canada** indigenous hunters and trappers are very much concerned about whether or not the European Economic Community (EEC) will introduce import sanctions on certain furs, and as a result ruin the subsistence economy of approximately 250 000 indigenous people. Furthermore since the social, cultural and religious aspects of trapping and the subsistence economy are extremely important to the communities and their cultural continuity, the future actions of the EEC will have disastrous effects in the North. Though the trapping issue was initiated some years ago in the EEC it is still being ferociously discussed. The anxiety of the indigenous people seems not to be groundless.

A proposal from the European Parliament to the Commission (bodies within the EEC) concerning fur labelling was changed by the latter. Otherwise this would have meant ethnocide to northern communities. The Commission counterproposed a scheme, which would give the involved trapping-countries a reasonable amount of time to carry out additional trap research and to introduce improved traps, in accordance with the humane standards elaborated by the International Organization for Standardization (a UN working group). This was the first time, the EEC showed any interest in reaching a compromise. The proposal from the Commission went through readings in different committees who, unfortunately, have ignored the indigenous perspective totally.

The readings seem to be under much influence and pressure from animal rights and animal welfare organizations, who in turn engage in lobby work to destroy the fur trade and to stop indigenous people from living off the land. The material used by these organizations has several times proven to be manipulated or false.

The Committee on External Economic Relations cut down the proposed six to eight years for trap research to one year. Additionally, a list with "threatened species" commonly caught in traps was added, to show the importance of stopping trapping immediately. Greenpeace and World Wide Fund for Nature (WWF) have, however, confirmed that no species in said list are threatened by trapping. Consequently this list has no true relevance at all. These statements put the work, analyses and credibility of the Committee on External Economic Relations into question.

Furthermore the Committee stated that "the question of the survival of indigenous peoples using leghold traps is a problem to be solved at a different level by the states concerned". A statement of this kind is an insult to the common interest and shows lack of responsibility in the observance of human rights. The work of the Committee is inconsistent with resolutions passed by the European Parliament in the past, as well as the Brundtland report; it runs counter to sound wildlife management.

To gain more support from the public, the animal rights organizations have convinced famous pop and rock musicians to help them in their cause against trapping and indigenous people. In the future, it appears that trapping will continue to be an important issue, not only in the EEC, but also in the international pop and rock world. It certainly looks as if the indigenous perspective is about to draw in paperwork and loud music.

50 years have passed since Canada promised the *Lubicon Cree* its own reservation. This promise has yet to be kept. When Canada at the turn of the last century entered into a treaty with the other tribes in the area (Treaty 8), it did not have any contact with the Lubicon Cree tribe. Lubicon Cree therefore still has aboriginal rights and authority over their traditional lands since they never gave up their sovereignty. But in spite of this, oil companies moved in when oil was discovered in the area some decades ago. This has led to the breakdown of fishing and hunting conditions, and the Lubicon Cree are now unable to subsist through their traditional livelihoods.

The oil companies have a million dollar a day production rate while the rightful owners of the land, the Lubicon Cree have not been paid even just a dollar in license fees.

Last year, the Lubicon Cree organized a blockade and blocked all roads leading to the area. This forced the province of Alberta to the negotiating table and made it enter into an agreement which later came to

Chief Bernard Ominayak of the Lubicon Lake Band (photo: Claus Oreskov).

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be known as the Grimshaw Agreement. According to this agreement, Alberta is supposed to transfer 95 square miles of reservation area to the Lubicon Cree. The federal government on the other hand, refuses to live up to its commitments and accommodate the Lubicon Cree's demand of 170 million dollars in compensation for the billions of dollars that have been appropriated out of Lubicon Cree land. In contrast to the other tribes who have been receiving benefits since signing agreements with Canada in 1899, the Lubicon Cree have never received any kind of compensation. The Canadian government therefore owes them compensation from the last 90 years.

The 170 million dollars are to be used to re-establish the Lubicon's economy which is in shambles, and to set up new means of livelihood as well as improve the infrastructure and to construct new dwellings. No single individual tribe member is to be paid any compensation money.

The federal government is however only willing to pay the Lubicon Cree 45 million dollars. This amount has been considered by even the Premier of Alberta, Don Getty, as inadequate.

The Canadian federal government is currently running a campaign to impede the settlement of the Lubicon Cree's legitimate claims. The Lubicon Cree also believe that it is the government that at the outset sent agents into the area in order to sow dissension and arouse suspicion over the Lubicon's legitimate leaders. As a result, the Lubicon's tribal chief, Bernard Ominayak, declared new elections held on 31 May so any dissatisfied tribe member can have the chance or opportunity to manifest their points of view. Bernard Ominayak was unanimously re-elected as Tribal Chief of the Lubicon Crees.

So in August this year came the big surprise. The Federal Government declared that it had the intentions of constituting a new tribe that was going to compete with the Lubicon Cree on its claims over reservation rights. The new tribe came to be called the *Woodland Cree*. "It is a typical government action to divide and conquer", declared Georges Erasmus, Chief of the Assembly of the First Nations. It soon became apparent that the Woodland Cree comprised various individuals from different tribes, among them former members of the Lubicon, Metis tribes and a few others who were not registered Indians. Even the name Woodland Cree is an anthropological term for all Crees found in the woodland areas in the Northwest Territories.

As was the case before concerning the Lubicon's cause, there was massive support from numerous Indian nations from all over Canada. The Assembly of First Nations, the Shawanaga First Nation of Ontario, the Grand Council of the Crees of Quebec, among others, protested against the formation of the Woodland Cree. At the same time they complained over the fact that Canada ignored the many tribes that have waited for years in order to achieve Indian tribal status.

During a meeting in Zurich in the month of August, some 33 human rights organizations – among them IWGIA – from 13 European countries condemned Canada's attempt to split up the Canadian Lubicon Lake nation.

In October came the Lubicon Cree's ultimatum to the Canadian Federal government. Since the government was reluctant to accommodate the tribe's demands, they (the Lubicon Cree) were therefore pressed into collecting royalties from the state-owned Petro-Canada and from the other oil companies who operate illegitimately on Lubicon Cree territory. If Petro-Canda did not pay these dues, then Lubicon Cree was going to move into action and close all the oil wells. Canada and the oil companies were given 30 days to reconsider and reflect on its position.

When the 30 days were over, the oil companies began themselves to close the oil wells. The Lubicon Cree now patrols the area to make sure that the oil wells remain closed.

It is indeed a very tense situation that the 525-strong Lubicon Cree Tribe finds itself in. For against them are some of the world's strongest economic and political forces.

NB: IWGIA Newsletter 43/44(1985) and IWGIA Document No.62 (pp.159-174) and IWGIA YEARBOOK 1988(pp.59-61) have all focused on the Lubicon Cree struggle.

The necessity of being united in the fight against repression led to the formation of a new alliance, The Treaty Alliance of North American Aboriginal Nations, in July 1989. Some 19 Canadian tribes representing some 50 000 indigenous peoples form all corners of Canada have come together to form a defense alliance in the NATO mould. This means that an attack on any one of them is to be interpreted also as an attack on the others, and they are thus committed to give each other help. Among the signatories are the Lubicon Cree Tribe and the Innu from Labrador. The Alliance's members are asking for recognition before the United Nations.

The *Algonquins* of Barriere Lake carried out a 7-week blockade in La Verendrye Wildlife Reserve, Quebec in order to save their land.

Since olden times, the means of livelihood for the Algonquins have always depended upon fishing and hunting, and they have always lived in harmony and in balance with the natural environment that they were dependent upon. At present, some 50 % of their traditional areas have been sequestered for logging. The area is supposedly designated a "wildlife reserve" and the already frail ecological balance is in danger of being destroyed. There is also talk of a regular threat to one of Canada's biggest population of moose.

If animal and fishstocks are disturbed/upset, there won't be much for the Algonquins of Barriere Lake to subsist upon. During the last two years,

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the Algonquins have tried to press Quebec and Canada to give their consent to a sustainable development and preservation for La Verendrye Wildlife Reserve. Since these attempts have shown themselves to be futile, the Algonquins had no other recourse but to set up barricades to keep the loggers out of the area. This has led to, among others, the Quebec Police's violent arrest of the Matchewan, Chief of the Algonquins, who was later released.

The Algonquins has received much support from environmental and human rights groups, and not the least from the other indigenous peoples in Canada. During the 20th of October there was a huge meeting held with representatives from First Nation Leaders. Here, the necessity of the First Nations standing together and helping each other in the fight against governments and the big corporations was discussed. Chief Matchewan was handed a copy of the newly established "Treaty Alliance of North American Aboriginal Nations". The treaty will now be discussed at length in the Barriere Lake Algonquins community.

The *Innu* (as the *Naskapi* and *Montagnais* people call themselves) live on the Labrador peninsula which is divided between the provinces of Newfoundland and Quebec in **Canada**. They count some 10 000 people, and utilise their land, **Nitassinan**, for hunting caribou, beavers and other wildlife species, as well as for fishing and gathering of berries.

Today Euro-Canada threatens to take more than 150 000 km of Nitassinan, encompassing the greater part of the Innu territory, in order to use it as a permanent testing ground for NATO for all types of conventional air and ground weapons. Within the same area there would be training in the use of nuclear weapons, electronic warfare, as well as in low-level and high-speed flying. Canada's plan is to construct a NATO high-tech fighter training facility at Goose Bay, Labrador. The Tactical Fighter and Weapons Training Centre (TFWTC) would train pilots in low level flying, air-to-air combat (dogfighting) and other roles. Some 175 war planes are to be stationed at Goose Bay Air Base at any time, conducting 40 000 flights each year. 27 500 flights are to be at altitudes less than 500 feet, and about 10 000 flights to occur at night.

The territory of the Innu is still practically without any permanent buildings, roads and technical installations. Hence, when Innu families hunt in Nitassinan they live in tents, and the sounds which they hear are those which nature has emitted during the millennia that their people have been making use of the land. Except for the supersonic warplanes which today come roaring out of nowhere, causing severe startle effects in humans. A jet flying at full power can produce noise at levels as high as 140 decibels. The noise produced by military aircraft at 100 – 250 feet is generally above the pain threshold for humans which is 110 decibels.

The startle effect is produced in humans and animals by an increase in the background noise level of 40 or more decibels in less than 0.5 seconds.

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Militarisation is one of the more acute problems that indigenous peoples in the northern hemisphere must cope with. Picture is of a warning system in Vardo, Norway while the Innu in Labrador must cope with supersonic noise from low-flying jets (photo: Claus Oreskov).

The startle response is not voluntary, and it does not go away with time. Unexpected noise triggers a startle response no matter how many times it occurs.

Since 1979 the Innu have experienced supersonic and low-level flying by NATO warplanes, and they have been reporting their observations. Many of these reports are definitely related to the activities of the warplanes, such as the startle effect, ducks leaving their nests, etc., while other observations leave the Innu puzzled but nurturing suspicion that supersonic and low-level flying may be the cause: dead ptarmigan in the snow; blood in the marrow of the caribou, etc. The Innu are frightened by the possible detrimental effects on the wildlife and the environment, while they themselves find it intolerable to live on the land mainly because of the startle effect.

When German and Dutch people protest against the noise made by these planes when they fly in Europe where one is used to the background

noise in a highly industrialized society, imagine the situation for the Innu in their Nitessinan homeland where the warplanes, without any warning, fly only a few meters above their heads. The Innu experience the terrifying noise of the jets against the background of no other sounds than those which have existed for thousands of years in the forests and mountains of Labrador. The children scream, and the adults lose whatever they are holding in their hands. The experience-based evidence and evaluations made by the Innu are backed by scientifically-based observations:

> The effects of noise on the body include high blood pressure, increased stress levels and chronic insomnia. Stress-related diseases include ulcers, colitis, asthma, headaches, and increased risk of disease from lowering of resistance. There are prenatal effects including low-weight babies. Psychological conditions include depression resulting from "helplessness" associated with loss of control over one's environment. Exposure to low-flying aircraft noise can lead to behavioural disturbances among children, with symptoms such as insomnia, nightmares, extreme fright, and anxiety. These have been extensively documented in West Germany.

(*Source*: Background paper produced by NATO on Nitessinan).

Here, as in so many other confrontations between indigenous peoples and the state, there is a battle going on concerning the relevance of different types of knowledge, as well as over the evaluation of the same bits of information, and the wider perspectives of history, evolution and human rights which shall frame and give weight to this information. There is a struggle going on concerning the definition of the situation and what it entails concerning what priority shall be given to the various problems, tasks and solutions raised by the whole issue of the NATO base in Nitassinan.

The Innu of Nitassinan have good reasons for viewing their social and cultural order as threatened. For most of the Innu there does not exist any real alternative sources of income to that of hunting, fishing and trapping, except for various forms of government transfer payments, notably relief, which have proven to have many ill effects on the lives of the people. However, this is not alone a question of economy, but about the possibilities of accommodating a hunting culture in today's global society where both cultural and ecological diversity are on the agenda (compare with the Brundtland Report "Our Common Future").

The planned use of the Innu territory by NATO forces is clearly against the Human Rights charters – see especially the International Convention on Civil and Political Rights, Articles 1 and 27, and the Indigenous and Tribal Peoples Convention of 1989 (Convention 169, formerly ILO-Convention 107).

The ongoing and planned use of Labrador for military purposes, without the consent of the Innu, clearly runs counter to international law. The Innu of Labrador have never signed a treaty or agreements relinquish-

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ing any of their rights to their land. In this connection it is well worth noting that four Innu persons who participated in a demonstration on the air strip in Goose Bay were taken to court and found not guilty. The judge stated that "I am satisfied that the four believe their ancestors predate any Canadian claims to ancestry of the land". He disputed the Crown's position that it "magically acquired (the land) by its own declaration of title".

Indian leaders in **USA** have for years been making claims about corruption and fraud in the Bureau of Indian Affairs. In 1988, the U.S. Congress responded also, after a series of articles in the *Arizona Republic*, showing that the programs of the organisation were extremely ill-managed.

A committee, appointed by the Senate Select Committee on Indian Affairs, headed by Sen. Dennis De Concini(Dem. Arizona), released in 1989 a 238-page document and transcripts from hearings. The investigation was conducted in 30 states and about 600 Indians gave information to the committee. One of the conclusions drawn from it was that the problems of the BIA stem from the policy of paternalism that Congress and the U.S. government never really rejected.

The Arizona newspaper, among other things, claimed that the BIA bureaucracy used 90 percent of its $ US 1 billion budget on administration and could not account for a lot of expenses. There are also irregularities in federal programs worth $ US 3 billion, while Indian communities that could have used these millions of dollars continue to suffer because many needed programs have never been properly funded.

Among the many charges are failure to protect Indian natural resources. Oil and gas companies owe tribes about US $ 5.7 billion in unpaid fees over the last decade.

The poor administration of minority contracting and the lack of auditing makes it possible for non-Indian businesses to set up shell corporations that take advantage of federal programs that give Indian-owned companies government contracts. Also reported were instances where contractors, seeking to do business on a reservation, offered large sums of money to federal employees and tribal leaders.

After the report was released and one year after the hearings not much has been done to rectify the charges.

In a meeting during 12 Jan 1990, the Montana-Wyoming Tribal Chairmen's Association agreed on a resolution to recommend the abolishing of the area offices of the BIA. It was given to Assistant Secretary of the Department of Interior Eddie Brown who told the meeting that the resolution should be addressed to the headquarters in Washington DC.

He also told the representatives that the Department of the Interior is in a transition period when the roles of the BIA and tribal governments are changing. He was cited as saying, "more and more functions that are cur-

rently performed by the BIA must switch from being a service provider to a program monitor and technical advisor."

Brown further told the audience, "It will be the policy of the Bush administration to continue to support steps toward tribal self-determination."

In Washington during the same month, Brown talked with tribal leaders, and he outlined the two major priorities based on discussions with different tribal representatives.

The first was to establish a positive business climate on Indian reservations. The second was to raise the educational achievement level of Indian children to national norms by the year 2000. It is to be hoped that this will include educational programs that are culture-specific and relevant.

It has been a dramatic year for the Crows, when in July, federal agents and BIA officers, among them tribal-enrolled members, during a raid against the Crow Tribal Administration confiscated tribal personnel records. The records included mostly timesheets, letters of appointment and videotapes of past tribal quarterly council meetings. A somewhat similar incident happened in October 1987.

26 members of the administration, in which the Crow Tribal Housing Authority is a part, were charged with a 37-count indictment for conspiracy, bribery, embezzlement of tribal funds, extortion, fraud and lying.

The problem in a narrow context stems from an internal dispute between factions in the Crow tribe. But this may also be seen in a wider context, with political overtones that go beyond the internal strife and problems of the Crow nation and the eventual wrongdoings of individual Crows.

The story also includes former Secretary of the Interior James G. Watt, as Counsel for the Crows in U.S. Claims Court in a case named the "107th Meridian Boundary Case." Watt was fired because he wanted to sell the "107th Meridian Property" to the Federal Government for about US $ 2 million. The Chairman, R. Real Bird thought it was worth US $1 billion.

Besides creating a lot of unrest on the Crow reservation, this case could have strong relevance to the sovereignty question of an Indian tribe to govern itself, and to treaty rights. Congress has passed several acts that violate treaty rights, but a case like this, in principle, still has constitutional repercussions on the question of Indian self-government. Both the BIA and the Federal authorities could be on shaky ground, swooping into the Crow-nation territory and confiscating legal documents and papers. On their own land the Crow should have their own system of jurisdiction to fall back upon. At least this can be discussed and put forward as an argument.

The Crow tribe has also filed a suit before a U.S. District Court in August, accusing the Bureau of Indian Affairs of deliberately destabilizing tribal government.

Among the *Navajo* in the Southwest, a case has been going on for several years. Then, in the beginning of 1989 the *Arizona Republic* printed

a series of articles on Macdonald and his running of the tribal government.

Navajo tribal officials responded at that time negatively to the articles and thought they were a "glaringly one-sided presentations of allegation that have already been reported to the public time and again since this administration began", but which the paper's editor still stands by.

MacDonald was placed on adimistrative leave by the governing council of the nation's largest Indian tribe after allegations at U.S.Senate hearings in January that he accepted bribes and kickbacks. He has denied any wrongdoing, and followers believe he was deposed illegally, although tribal courts have upheld the move.

Because the Navajo Tribal Council established an interim government last winter, the strange situation ensued in April, when the Navajo Nation had two police chiefs, two tribal chairmen and two chief judges all acting in the name of the Navajo people.

Then in July there was a heated conflict between Navajo tribal police officers and hundreds of supporters of then suspended chairman MacDonald. In the unrest two people were killed and nine injured. The protesters said they were making citizens arrests. The police and tribal officials said they opened fire in self-defence, and that MacDonald incited supporters after failing to reach a plea bargain with the U.S. attorney's office.

There is concern over the Senate investigations. Wilma Mankiller, the Principal Chief of the Cherokee Nation, said, "If the charges against Peter MacDonald of the Navajo Nation had any substance, any evidence should have been turned over to the proper authorities, but instead the investigators used him to get national headlines". (C-K, 11 May 1989, *The Lakota Times*).

Lakota Times publisher Nanwica Keiji (Tim Giago) also expressed his concern:

> The fact that the Justice Department made allegations of criminal activities against Navajo Tribal Chairmen Peter MacDonald nearly six months ago and have let the intolerable situation drag on and on without filing specific charges is also a disgrace. It has contributed greatly to the situation of apprehension and turmoil that now exists in Navajo country.
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> When all is said and done, I wonder if there will be any real heroes emerging from this political conflict. Much damage has been done and, as happened after Wounded Knee in 1973, it will take many years for the wounds to heal, and for the Dineh to forgive each other.
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> (C-K, 11 Aug 1989, *The Lakota Times*).

This is the first year that the government, through the U.S. Census Bureau, is allowing native Americans to take their own census on the reservations. It is important for the tribes to get an accurate count, because the census data is used by many federal departments to distribute funds

"Another Wounded Knee" warning on trouble in the Southwest where Navajos say that their leader, Chief Macdonald has been illegally deposed. Picture shows Navajo traditional dwelling called "hogan" and the inevitable parked pick-up trucks. Photo from IWGIA archives.

through their programs. Besides, census data have never before been fair to the native American population, because of inaccurate figures.

Just to visualise the importance of accurate counting, the 1980 census showed a large undercount causing some states surveyed to lose about $ 700 million in state and federal funding.

Another example is the Job Training and Partnership Act (JTPA) programme which provides employment assistance to communities based on needs, and such needs determined to a great extent by the information gathered by the U.S. Census Bureau every ten years.

The programme is important to tribes seeking to bring economic endeavours to their reservation. So tribal planners utilise census data to analyse social and economic trends. The last year's figure in JTPA funds were about $72 million based on the 1980 census. Census figures are also used by the Health and Human Services(HHS) Head Start Program to allocate funds.

One of the many Anglo-American behaviour that have aggravated tribal people and elders most is the taking and digging up of Indian remains and spiritual belongings. Some of the worst incidents happened lately in Kansas and Nebraska.

In Kansas, a farmer dug up an entire Indian cemetery located on his land and put the remains on public display.

After the removal of a *Pawnee* Tribe to another state by the federal government, ordinary people as well as archaeologists swarmed in and removed hundreds of skeletons and thousands of burial goods from historic graves.

The Historical Society was asked to return these to the Pawnee government for a decent burial but it responded by calling the request "an Indian raid" on museum property.

The Smithsonian Institution has a collection of 18 650 American Indian remains and thousands of burial artifacts, and is an indication for many tribal people of this incredible cynicism.

In August tribal leaders came to some agreement with the museum to return Indian skeletal remains to contemporary tribal descendants. The agreement was characterized as a middle course between the position of the American Antropological Association, which allows for the return of the material only to close relatives, and with Stanford University and the University of Minnesota, which are returning whole collections. The position taken by the American Anthropological Association cannot be said to have strengthened the relationship between scientists and tribal people.

However, a lot of noted anthropologists and also other scientists have spoken out strongly against the return and the agreement, on the basis of the argument that "it would be like burning books", and "that individual skeletons, like rare books, offer an irreplaceable source of data on subjects as diverse as the movement of ancient peoples and the history of disease", and further, "biological researchers are developing technology to extract antibody and genetic material from the bones",...therefore only close relatives have the right. Will this be tolerated if it included other ethnic groups, ask native Americans. Indian leaders call it by its right name: "racist grave robbing". (*Char-Koosta*, 4 Aug 1989).

President George Bush signed legislation on 28 November that established the National Museum of the American Indian as a new Smithsonian Institution museum scheduled to open in the mid- to late 1990s. The centerpiece of the new museum will be the priceless collection of more than 1 million artefacts in the Museum of the American Indian, Heye Foundation, now in New York City. This collection, which includes a library, photo archives and other resource materials, will be transferred to the Smithsonian Institution.

The legislation describes the Smithsonian's policy on the repatriation of American Indian human remains and associated burial objects, and directs the Secretary of the Smithsonian, in consultation and cooperation with traditional Indian religious leaders and government officials of Indian tribes, to conduct a detailed inventory of the 18 650 items in the Smithsoni-

an's collections. The inventory is to be integrated with the best available scientific and historical documentation, to verify the origins of such and to notify the appropriate tribe of the identification.

If any remains are identified as those of a particular individual who is culturally affiliated with a particular Indian tribe, then the Smithsonian, upon the request of the descendants of the individual or of the tribe, shall return the remains and associated funerary objects.

Last summer (July 1989), M. Mitchell, representative of the *Akwesasne* Nation met with the *Kootenai* people in Montana, to exchange experiences on the border question, related to a Kootenai Indian Area Council General Assembly meeting.

The Kootenais have been assigned reservations in Idaho, Canada and Montana and the (Akwesasne) Mohawks in New York State, Quebec and Ontario.

For both nations this has created a lot of disruption on tribalism and on generations of family ties. "By accepting services from those respective governments, and by accepting that if you were from Canada and not eligible for U.S. services, and vice versa, the Mohawks helped to create those boundaries", the Akwesasne representatives told the Kootenais (C-H, 21 July 1989). In 1980 the Mohawks did not want to take this division anymore, and in 1983 the Canadian Supreme Court ruled that the Mohawks were right. This gave the people more freedom to move across the border.

The problem continued, however, and some people were approached by smugglers to deliver over the border. Another example is taxes for bringing goods over back and forth.

The Royal Canadian Mountain Police has also been harassing people.

For these reasons 1 800 Mohawks marched across the border with truckloads of merchandise to protest. The border problem affects many tribes from the east through the inter-mountain areas of the west to the Pacific. Tribal people are challenging the authority of the governments of Canada and the U.S. to restrict their movement across the border as well as making them pay taxes.

In September, the St. Regis Akwesasne Reservation erupted in Indian-against-Indian fighting over casino gambling. One of the seven gambling establishments on this reservation was burned, with threats of more violence.

At least 11 people were injured in a clash between *Mohawks* and state troopers during a 10-day stand off in July, after the troopers and the FBI raided the casinos.

Now, a self-appointed security force, the Warriors Society, equipped with automatic weapons, guards against outside intrusion, and state police visit rarely and only under strict conditions.

On the reservation, anti-gambling vigilante groups spontaneously attack the casinos, whose owners employ armed security guards.

Opponents argue against gambling on moral grounds, and say it will attract criminal elements. Advocates view it as a form of economic development, bringing millions of dollars unto the reservation.

Until most of the casinos were closed following a July 20 raid, busloads of people from both sides of the border would visit the reservation's gambling parlors, which employed 500 people – about a tenth of the reservation's population.

Mohawks who support gambling say the reservation is a sovereign nation, not subject to state and federal laws against gambling. The U.S. Supreme Court in 1987 banned state and local regulation of gambling on the reservation until Congress allows the regulation. But leaders of the three tribal governments that claim jurisdiction at St. Regis oppose gambling, and federal and state authorities have raided the casinos several times, claiming Akwesasne leaders asked them to do so.

The July 20 raid prompted the stand-off between state police and Mohawks, with troopers cutting off the reservation from the outside world for several days.

After the clash, state police did not return to the reservation until Warriors Society leaders set guidelines demanding that troopers notify them in advance when they wished to enter the reservation, and then come in unmarked cars and wait for an escort.

There has been a confrontation involving more than 500 people on the reservation, incidents of shooting, and throwing of firebombs damaging casino buildings.

People are concerned about the whole situation, and they want to sit down and reason with each other.

The Federal Death Penalty Act of 1989, currently pending before the Senate Judiciary Committee, would resurrect a death penalty for first degree murder committed within federal jurisdictions. More than 50 per cent of all murders prosecuted within federal jurisdiction are committed by Indians on reservations. As a result, tha act would single out Indian murder defendants for the special sentence of death.

While a federal death penalty would have a disproportionate impact on Indians, it would have no deterrent effect on murders committed on Indian reservations, where alcohol abuse is an overwhelming factor in nearly every case.

The tragedy of the situation is that most of the time Indians are not judged by their peers. The jurors are usually drawn from rural areas where the ethnic slur "drunken Indian" is common, and prejudice against Indians and racism is the norm among Anglo-Americans living on or near reservations.

The imposition of a death penalty as a means of punishment or deterrent for committing murder is alien to cultural and religious beliefs of most Indian tribes.

Sources:
Canada: Transcripts of radio news broadcasts from CKUA(Nov 1989), CBC(Nov and Dec 1989) and CVFRN(Aug and Nov 1989);
Calgary Herald; The Edmonton Journal; The Edmonton Sun; The Globe and Mail;and Windspeaker(issues from Jul to Dec 89). *AFN Bulletin*, 1989Vol.6, no.5. *Kainai News*, Oct 1898. Background paper produced by NAIO out of Nitassinan.

USA: Articles from : *Char-Koosta News*, all of 1989 and up to April of 1990 (C-K News is the newspaper of The Confederated Salish & Kootenai Tribes of the Flathead Reservation); *The Lakota Times*, which is published on The Pine Ridge Reservation of The Lakota Sioux Tribe); Native American News Service.

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Map of Central America

Indigenous Population: 13 million

1. *Mixe*
2. *Nahua*
3. *Huichol*
4. *Triqui*
5. *Tzotzil*
6. *Maya*
7. *Cakchiquel*
8. *Conjobal*
9. *Nahuat/Lenca*
10. *Nicque*
11. *Miskitu*
12. *Kuna*
13. *Guaymí*
14. *Embere*

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In **Mexico**, the First International Forum on Indigenous People's Human Rights took place on 30 September, in Matias Romero, in Oaxaca. Recent assassinations of indigenous leaders were denounced, such as that of Tomas Cruz Lorenzo who was assassinated only three days after the beginning of the meeting.

The Assembly unanimously rejected the preliminary law of the National Commission of Justice for the Indigenous Peoples of Mexico. At the same time, it demanded that the incidents of genocide and ethnocide against indigenous peoples be raised at the level of the Constitution. An example of an ethnocidal threat is the intrusion of religious sects into indigenous communities.

According to the President of the Maya Supreme Council, Daniel Cuxim Pech, the religious fundamentalist organisations from the United States are a threat to the cultural integrity of the *Maya*. The Mormon and Jehovah Witness sects have invaded 36 of the 56 indigenous Mayan communities causing social and religious problems within the communities.

Concerning future activities to be undertaken by indigenous organisations, it was decided that, among other things, all cases of violence presented to the Forum should be considered for further expediting to international organs such as the United Nations.

During the meeting of representatives of the National Coordination of Indian Peoples (CNPI) with President Carlos Salinas de Gortari on 23 October, the President promised to attend to their needs for health and food, to provide legal protection and to regulate land tenure within the framework of the National Programme for Indigenous Peoples. According to the President, the Programme will be carried out by indigenous peoples themselves and not imposed by a central office.

The following month, several leaders were imprisoned for defending their lands in different areas of Pchucalco, Chiapas. Immediately afterwards, some 150 members of the CNPI staged a hunger strike in the Plaza de la Constitucion in order to focus attention on their territorial demands. Police removed the 154 peasants who were on a peaceful hunger strike, said the CNPI.

Before the end of the year, the CNPI wrote a letter to the President of Mexico reminding him of his promises. They asked that respect be shown for their communal lands and demanded the immediate release of their leaders.

A report made by human rights support groups indicates that the record of the military dictators in **Guatemala** over the last decade includes, among other things, 400 indigenous communities wiped off the map, more than one million people thrown out of their communities, 150 000 people

on exile, 50 000 widows, 250 000 orphans, thousands of executions and disappearances, and approximately 100 000 indigenous people dead. It is estimated that the indigenous population of Guatemala forms 60% of the total population of 7 million inhabitants.

The Guatemalan army and the police force have continued torture and assassination of indigenous leaders throughout 1989 and the massacre of their communities under the pretext of putting down supposed insurrections and robbing what little the peasants possess continue. At the beginning of 1989, the United Peasant Committee (CUC) stated that the regular army was responsible for the massacre of 22 *Cakiquiquel* youths which occurred in December 1988.

In the community of Santiago Atitlan, in the municipality of Solola, army forces kidnapped peasant farmer Diego Iztulul Mendoza on 21 November. Three days later his body was found dumped with signs of having been badly tortured. Ten days later, in the same region, the son of Francisco Quieju was kidnapped and tortured. He was set free two days later after the soldiers had robbed him of his machete and his knapsack.

Also in the Municipality of Solola, on the 17th of November, peasant farmer Alfonso Xep Chiroyo was kidnapped by army forces. A few days later a soldier asked his relations for the sum of 500 in exchange for information about his whereabouts. For fear of reprisals from the army, the family did not denounce the soldier.

Indigenous peasants are accused of belonging to the guerrillas, not only for political motives but also for economical reasons. The administrator of Pacayal ranch in Pochuta, Chimaltenango, accused the peasants working in the ranch of being guerrillas. Immediately afterwards he reduced their area of land, took away their food rations and robbed them of their papers. When the peasants protested to the administrator he returned their papers, paid them their arrears but robbed each one of Q15.

In the face of this repression, where the kidnappings, tortures and assassinations against the indigenous people number in the thousands, the CUC has appealed to the international community for help in putting an end to one of the worst processes of genocide in this century.

Also in Guatemala, the widow organization CONAVIGUA celebrated its first anniversary by denouncing the corruption that is impeding the goverment's aid program as well as foreign aid, to reach some 45 000 women that have been widowed as a consequence of the violence in the rural areas. The majority of these women are indigenous women, with 3 or more children. They are often harrassed by the armed forces, and most live in extreme poverty.

The purpose of CONAVIGUA is to draw attention to the widow's situation and fight for their rights.

The lives of the members of the Indigenous Association of El Salvador

Photo shows commemoration of the 5th anniversary of the death of 74 indigenous in El Salvador, where deaths are commonplace at the hands of the military and paramilitary. Leaders from ANIS (Asociacion Nacional Indigena Salvadoreana) recently have had to flee to avoid assassination for having attended an ecological conference (photo: IWGIA archive).

(ANIS) are continually being threatened by military and paramilitary groups in **El Salvador**.

The mere participation in a conference on indigenous affairs is considered by the government of El Salvador as a subversive act. This was the case with Jesus Mondragon and Valentino Perez Cortez, both members of ANIS. They returned to El Salvador after attending an ecological conference in Panama, and were accused of being "subversive communists with

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international connections". Afraid of becoming victims of arbitrary assassination, they were forced to flee to a safe place.

At dawn on 19 November, soldiers registered the houses of members of La Independencia Cooperative in Teotepeque, in the Department of La Libertad and accused them of being communists and guerrillas. With no further warning, the soldiers began to fire and killed ten people, among them three or four children. They were all members of ANIS.

In **Costa Rica**, two indigenous organizations, the National Commission for Indigenous Affairs and Sejekto, the Voice of the Indian, have asked for legislative reforms to take into account the indigenous groups in the country. To date, it has been nearly impossible for the almost 27 000 Indians in Costa Rica to obtain the documents necessary for voting and exercising other constitutional rights.

In order to acquire identity papers, Indians have to present, among many other requirements, a certificate of good conduct and to pass an examination in geography. Furthermore, in order to obtain Costa Rican nationality they have to be able to speak Spanish. Amongst some indigenous groups, such as the *Guaymies*, there are very few who speak Spanish.

Panama politicians have shown sudden interest in the plight of the indigenous because of electoral campaigns. Photo shows Kuna (Panama) Indian harvesting grain (photo: Andrew Young).

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The lack of documentation occasionally results in the Guaymies being detained by the immigration authorities. In July, a group of Guaymi leaders decided to visit the President of the Republic to ask him to resolve their problems of lack of documentation. They were not allowed to enter the Presidential Palace because they did not have identity papers, an indispensable requisite for gaining entrance to the building.

The Interamerican Institute for Human Rights which has its headquarters in San Jose, is carrying out courses in training in indigenous rights, aimed principally at indigenous organisations. One of the objectives of the programme is the formation of groups with experience in legal matters within indigenous organisations.

In **Panama,** 1989 was characterised by preparations for the national elections and the sudden interest taken by national politicians in the indigenous peoples' situation. The Indians were used politically even when it was occasioned by people in distress, as for instance in the case of the Aguas Claras which was destroyed by a big fire leaving 600 *Kuna* homeless. Never before has there been so much publicity for an indigenous problem and one of the presidential candidates, C. Duque, even visited the site taking "the opportunity to formally open his campaign for the presidency" and promising concrete help of several thousand dollars.

During the past years, both the *Guaymi, the Embera and the Kuna* peoples have suffered from internal division and confusion caused by political parties interfering in their communities. This organisational debility did not exist in 1984 when the last elections took place, and especially the Guaymi took a firm position then, thus making their participation in the elections dependent upon the passing of the Comarca law on territorial autonomy. Therefore they could then demand and the answer then was: here is the DRI development project, here is the law proposal. This is no longer the case. Autonomy is no longer a central issue, the DRI project for rural development is agonizing and has given very poor results.

However, after three years of internal division, the Guaymi held their first General Congress in Bisira, Bocas del Toro. On the agenda were the participation of the Indian population in the electoral process, an analysis of the Comarca law project and what future actions should be taken on this issue and the effects of the crisis on the indigenous peoples.

Bishop Emiliani from the Darién Diocese has, in a series of articles denounced the difficult situation of the *Embera-Wauman* natives, and has apparently succeeded in mobilising some resources to this very marginalised province. The bishop is pointing at problems such as transport, education and health. However he does not mention the main issue for the *Embera-Wauman* which is the land question, the "comarca"

Kunas from the Youth Movement of *Kuna Yala* and several other representatives of other indigenous groups prevented members of the Insti-

tute of Hispanic Cultural Institute to commemorate the 476th aniversary of the "discovery" of the Southern Sea. Furthermore they demanded that the name of Balboa be taken away from bank notes, decorations and streets as a sign of respect for the indigenous leaders who resisted the Spanish invasion.

In Panama the first Inter-American Indigenous Congress on Conservation organised through the resource management project of the Kuna Yala (PEMASKY) was held 6 – 11 November 1989. With participants from 16 countries, the indigenous peoples' representatives gave status reports, and then broke into working groups focusing on relations with governments, on technical land use questions, and on funding possibilities. The results placed great emphasis on territorial rights and on indigenous participation in all development planning for their territory and without intermediaries.

It was reported officially that the American invasion of Panama by the end of the year cost 655 lives.

The peace process in Central America was in 1989 the object of two new meetings – Esquipulas IV and V. The latter was held in Tela, **Honduras** in August, and an agreement on the demobilisation of the Contras

In Nicaragua, Brooklyn Rivera, one of the top leaders of **YATAMA**, *the indigenous organization has decided to return to Nicaragua after 8 years of exile. Photo shows Rivera speaking before the Working Group for Indigenous Populations (photo: Kate Meentzen).*

was reached. Already some 35 000 refugees have returned from Honduras to Nicaragua.

In **Nicaragua** Steadman Fagoth and Brooklyn Rivera, leaders of the indigenous organisation YATAMA returned from more than 8 years of exile in order to take part in the electoral campaign. YATAMA gave up its armed fight against the Sandinist government earlier this year and many *Miskitos* have already returned to Nicaragua. In an interview, Rivera said that for his communities on the Atlantic Coast, the war is no longer a problem. The real problems are "especially social and economic and can only be solved by a solid peace process."

Sources: NGO Networker, nr.9; *Notindio, La Cronica*, IPS Reports.

Map of South America

Population: Lowlands over 1 million
Highlands over 19.5 millions

1. *Macu-Nukak*
2. *Embera*
3. *Huaorani*
4. *Quichua/Siona-Secoya/Colan*
5. *Quechua*
6. *Aguaruna*
7. *Yanesha*
8. *Matsigenka/Piro/Nahua*
9. *Aymara*
10. *Chinane*
11. *Yuqui*
12. *Mapuche/Pehuenche/Huilliche*
13. *Toba*
14. *Kolla*
15. *Mbya*
16. *Pai Tavytera*
17. *Avoreo*
18. *Tikuna*
19. *Pataxo Ha-Ha-Hae*
20. *Makuxi*
21. *Kaiapo*
22. *Ava-Canoeiro*
23. *Yanomami*
24. *Bari/Yukpa/Wayuu*

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SOUTH AMERICA

In August the Organising Commission of the National Indian Council of Venezuela (CONIVE) arranged the First Indigenous National Congress of **Venezuela**. The serious ecological situation in many indigenous communities was presented before the Congress. The construction of roads, the exploitation of gold and other minerals, deforestation and the accumulation of toxic waste such as mercury and cyanide were among the main causes of ecological destruction that were mentioned.

This situation has led to the irreversible destruction of the ecosystem, the contamination of rivers and other waterways and the introduction or increase of illnesses such as malaria, tuberculosis and yellow fever in indigenous territories. Industrial waste dumped in indigenous territories is still causing serious problems for the self-sufficiency of the communities and health of the people.

The *Pemon, Piaroa, Karinas* and *Wayuu* have been especially affected by the massive ecological, social and human destruction which is laying waste much of the indigenous territories of Venezuela. The case of the *Karinas* is particularly tragic. Their lands were confiscated in 1987 and declared municipal lands, available for oil extraction. At the same time the government refused to give them credit for new crops as well as for any type of assistance with health or schooling. The Karina are awaiting the outcome of a decision as to whether they can become the legal proprietors of the lands which they have occupied for more than 500 years.

One of the major results of the Congress was the preparation of a preliminary law on Ethnic Issues to replace the preliminary law of Deputy Alexander Luzardo which has been proceeding through the Chamber of Deputies since 1987.

On the border with Colombia, the *Bari* and *Yukpa* Indians have protested against mining companies and commercial agriculturalists who are destroying the environment. The Bari and Yukpa want to produce an alternative development plan which will take into account the delicate ecological balance of the region.

The indigenous organisations of **Colombia** continue to demand their territorial rights from the government. According to the Indigenous Regional Committee of Tolima (CRIT), the government has responded through the Colombian Institute for Agrarian Reform (INCORA) with a divisive policy which encourages confrontations between indigenous groups and peasant groups.

According to the National Indigenous Organisation of Colombia (ONIC), indigenous leaders continue to be systematically assassinated, and some of them also tortured, in their fight for claims to their ancestral lands. ONIC states this is part of a campaign against indigenous peoples led by land owners who use paramilitary groups to assassinate indigenous leaders.

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Wayuu women still live a sordid life in northern Colombia, but the government recently recognised 18 mill.ha. as "resguardos" in probably one of the largest recognition of indigenous lands in the history of the Amazon (photo: Jens Lohmann).

Indigenous women leaders are also being assassinated. In July, Maria Juana Cometa was murdered after being pinpointed as one of the main protagonists in the struggle for the recovery of land in the Department of Cauca. Maria Juana Cometa had been previously threatened by landlords in the region.

The Indigenous Regional Council of Cauca (CRIC) organised a peaceful march by indigenous communities in protest against the violence to which they are victims. The Governor of Cauca gave the necessary permission for the march only after indigenous representatives began a hunger strike, saying that they would continue until they received permission for the march.

A bomb exploded at the headquarters of CRIC in September. Though no one suffered serious physical injuries, the indigenous people who were at the headquarters at the time suffered psychologically because of the high power explosives used in the bomb causing considerable damage to the premises. According to CRIC, paramilitary groups were behind the bombing.

Land rights for the indigenous peoples of the Amazon have taken a very positive turn in Colombia over the last few years. Since 1988 the

government has recognised over 18 million hectares as indigenous *resguardos* -collective and inalienable property of the indigenous peoples of the Amazon. This is probably the largest recognition of indigenous land rights in the history of the Amazon.

One of the most serious problems faced by the indigenous movement in **Ecuador** in 1989 was the government's attempt to divide indigenous organisations. It went as far as to establish an alternative Shuar Federation at the beginning of the year in Zamora in the southern Amazon. The already existing Federation of Shuar and Achuar Centres have strongly protested to the government against this divisive act.

Another problem affecting the *Shuar* and *Achuar* has been the buying and selling of communal lands in different Shuar communities. The land

Happy highland Ecuadorian schoolchildren on way back to school after working at their individual garden plots but problems loom large in lowlands owing to uranium and oil exploitation (photo: ILO).

transactions were carried out with the knowledge and support of regional directors of the Ecuadorian Institute for Agrarian Reform and Colonisation (IERAC). The central government has strongly supported the Shuar Federation on repeated occasions. Apparently, the policies of IERAC run contrary to those expressed by the government.

There are reports that the cement company, Chimborazo, is planning to build a road from Kutuku to Mina de Sal in order to explore and exploit all the natural resources in the region, principally uranium. Apparently, the plans are being carried out in conjunction with the Ministry of Public Works. According to the Shuar Federation there are rumours that the Chimborazo company is associated with an atomic energy group which is in charge of uranium exploitation.

The member organisations of the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENAIE) have reported serious problems due to the invasion of their lands by oil companies which are destroying large areas by contamination and emissions of waste into the rivers.

According to the President of the National Indigenous Confederation of Ecuador (CONAIE), Cristobal Tapuy, the Summer Institute of Linguistics (SIL), is taking steps to return to Ecuador. SIL has caused serious problems for indigenous groups in the past, and was thrown out of Ecuador in 1981.

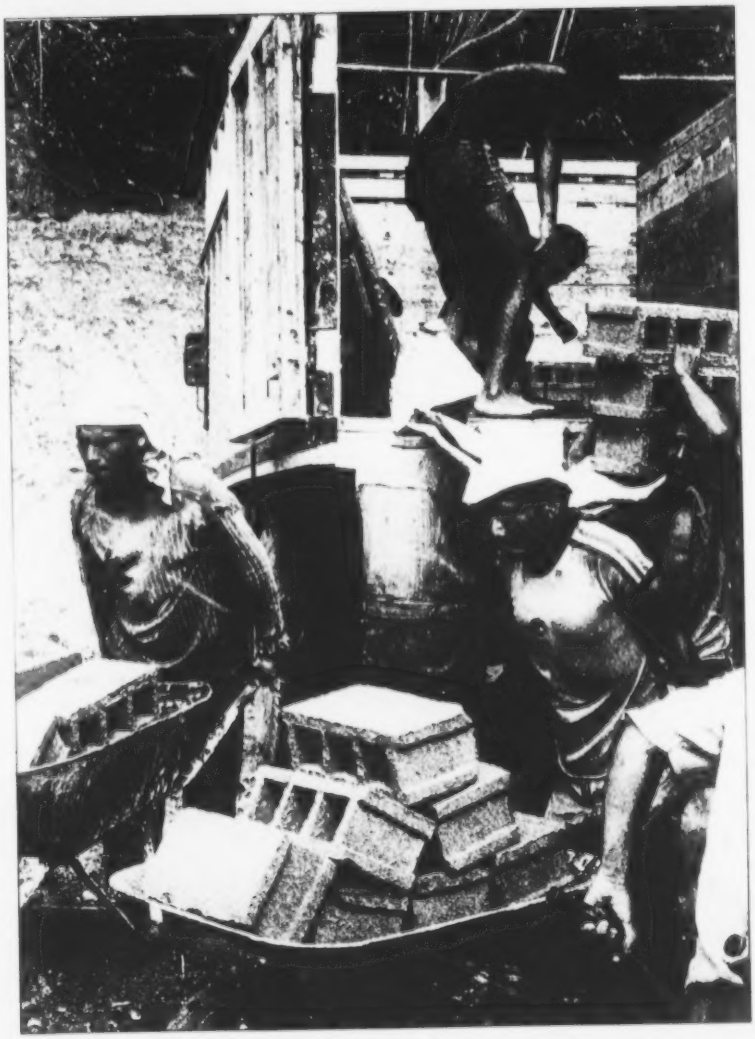
CONAIE is organising a continent-wide campaign for the "self-discovery" of America as an alternative to the celebrations which the governments of Spain and the American countries are preparing for 1992. Various meetings have taken place throughout 1989 organised by CONAIE under the slogan "500 years of resistance".

However, there have also been positive achievements in 1989. On 12 October, the Federation of Shuar and Achuar were legally awarded 320 000 hectares of land by the new government. Furthermore, CONFENIAE succeeded in legalising the territories of the *Secoyas* and *Siona* indigenous peoples.

Another success was that of the Federation of the Communal Union of Natives of the Ecuadorian Amazon (FECUNAE). FECUNAE managed to persuade the Ministry of Education to provide bilingual teachers for the Shuar bicultural radio programme. The radio programme is known and appreciated by indigenous groups throughout South America.

Finally, there were several positive moves made towards legalising *Huaorani* territory. It is hoped that the titles will finally be approved in 1990.

In order to achieve a balance between the cost of living and the defense of their diminishing economic returns from the sale of Amazon produce, the *Shipibo* and *Conibo* from the Ucayali region in the north of **Peru** mobi-



Ashaninka from the Peruvian Amazon constructing their own school with money channeled from IWGIA (photo: IWGIA archive).

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lised at the beginning of the year. Together with peasants they took part in a peaceful demonstration which was brutally put down by the National Police. Eight people were killed at the hands of the police during the demonstration.

There were national and international protests demanding that the Peruvian authorities denounce the deaths of the indigenous and peasant leaders and put an end to the serious economic problems in the region. At the same time, the indigenous organisations of the area joined in protest to bring an end to the slavery, forced labour and oppression from which the *Ashaninka, Yaminahua, Piro* and *Machiguenga* communities, among others, are suffering. This prompted the government to set up a Special Commission to deal with the chaotic situation in the region.

Indigenous leaders fighting for their lands have been specifically targeted for repression. Many of them have been unjustly imprisoned. A lawyer from Bagua in *Aguaruna* territory has even advocated "tough measures for the Aguarunas who want to maintain their customs and recover their lands". At the same time, indigenous mayors won elections in four municipalities of the River Maranon region.

Regional organisations affiliated to the Inter-ethnic Association for the Development of the Peruvian Amazon (AIDESEP) have carried out their annual Congresses as planned. A new indigenous coordination uniting fourteen indigenous organisations affiliated to AIDESEP was established in the Loreto region.

The Centre of Native Communities of the Central Amazon (CECONSEC) is trying to evict the traders who act as middlemen in the sale of coffee in the native communities. CECONSEC proposed alternative rates of exchange to the authorities in the hope of increasing the coffee production quotas authorised for the communities. Meanwhile, CECONSEC has asked that one of its representatives be given a place on the Directorate of the National Coffee Board.

The Agreement for the Inscription and Titling of Native Communities in the Ucayali became effective at the beginning of the year. The Agreement anticipated the titling of almost 100 communities but will in future encompass more than double that number of communities. Until the titling work for the Agreement began, the Ministry had not recognised the existence of all these communities.

The year ended as tragically as it began. Alejandro Calderon, an *Ashaninka* leader known for his long fight for the defense of the territorial rights of his people, was assassinated by the Tupak Atari Revolutionary Movement(MRTA). In response, the Ashaninka people declared the Pichis region Ashaninka territory, and threw out all the non-indigenous groups which had been exploiting and oppressing them for many years.

This year the international community has been particularly con-

cerned with the grave situation in **Brazil** facing the *Yanomami* people. The massive invasion of their territories by goldpanners, the so-called "garimpeiros", and the new legislation at the latter's disposal is threatening the Yanomami with genocide.

The Yanomami are suffering from hunger and malnutrition caused mainly by environmental pollution. For example, the mercury used by the garimpeiros for extracting gold does not only pollute the rivers but causes severe skin diseases which have led to the deaths of several children. The felling and burning of trees, as well as the noise of gold extraction machinery has frightened off the wildlife and many Yanomami now depend on the garimpeiros for food.

One of the most serious health problems is malaria, brought by the garimpeiros. In the areas near the mines, about 80% of the population is

Yanomami warrior wistfully looking over gold prospectors' airstrips (photo: Mark Lov).

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affected, and often with the type of malaria which is immune to drugs. The Commission for the Creation of the Yanomami Park (CCPY) has repeatedly warned the Brazilian authorities that unless the garimpeiros are removed from the area the effects of the malaria will continue to increase.

The territorial integrity of the Yanomami people is threatened by new legislation in spite of the fact that the territory is guaranteed by the new Constitution. This puts into question the legality of new initiatives such as the creation of extractive gold reserves on traditional Yanomami territory.

In spite of the fact that the Brazilian Congress approved legislation enabling the immediate expulsion of all garimpeiros from Yanomami territories, together with the appropriation of necessary funds in October, the army and the police have yet to act.

Different events organised in support of the Yanomami prove that the Yanomami's case has had considerable repercussions both domestically and internationally. At the beginning of the year, the well-known leader Davi Yanomami received the Global 500 Prize from the United Nations for his fight to preserve the environment. The most important event which marked the "Day of the Indian" in Brazil was the official homage which the National Congress paid to Davi Yanomami. At the beginning of September approximately 350 indigenous leaders, representing more than 70 indigenous nations, protested in the capital, Brasilia, against the impending threat of genocide over the Yanomami people. Finally, at the end of the year, in Stockholm, Davi Yanomami received the Alternative Peace Prize, the Right Livelihood Award in the name of Survival International.

Because of their recent contact with the national society, the *Uru-Eu-Wau-Wau* are, like the Yanomami, in an extremely powerless position against outside threats. The Uru-Eu-Wau-Wau live in Central Rondonia, in the west of the country. A Presidential Decree lacking only the signature of then President Sarney, foresees the reduction of the indigenous reserve of the Uru-Eu-Wau-Wau by 200 hectares. The reserve was demarcated in 1983 and has been invaded by garimpeiros and lumberers who are irreversibly destroying the environment.

Furthermore, the Presidential Decree is a threat to the legal validity of the process of territorial demarcation of indigenous lands. In theory, this process can now be revised in the future, and the territorial security ensured by the present demarcation process, annulled.

It is evident that the indigenous movement in Brazil is increasing and strengthening. Some of the indigenous meetings which mark this development are the following: In Altamira, to the west of Belem, indigenous *Kayapo* leaders brought together more than 600 indigenous representatives from some 30 nations. During this meeting, indigenous representatives demanded that the government halt the construction of the Kararao hydroelectric dam on the Rio Xingu which will inundate 1 200 sq.km. of Kayapo indigenous territory.

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In Brazil, the Yanomami Indians continue to cause concern considerably the world over as they fall victim to the greed of the "garampeiros" or gold diggers (photo: Mark Lov).

Another important occasion for the indigenous movement was the First Meeting of Indian Women of Amazonas and Roraima which took place in November. The meeting included representatives from the *Munduruku, Satere-Mawa, Makuxi, Desana, Tariana, Pira-Tapuia, Baniwa,*

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Tuyuca, Miranha and *Mayuruna* peoples. The representatives at the First Meeting saw the question of lands as their main problem, especially the illegal invasion of indigenous lands and the absence of territorial demarcation for many indigenous communities.

Finally, in April, the Permanent Commission of Indigenous Organisations of the Brazilian Amazon (COIAB) was established. One of COIAB's future activities will be to hold a cultural festival for the indigenous peoples of the Brazilian Amazon in April 1990.

More than thirty indigenous and non-indigenous organisations in **Bolivia** took part in the Meeting of the Coordination for Solidarity with the Indigenous Peoples of Eastern Bolivia. During this meeting, the problem of land was discussed and a map of land conflicts was prepared. It was furthermore decided to organise a campaign for official recognition of indigenous languages.

The *Chimane* people of Santa Ana de Huachi, in the north of the Department of La Paz, are continuing their struggle to get the government to demarcate their lands which were recognised as an indigenous area more than 50 years ago. This Chimane territory has been invaded by colonists in search of timber and hunting for animals. The Chimane cannot prevent this invasion because their lands have not yet been legally demarcated.

During the First Departmental Congress of the Indigenous Centre of Mojenhos Cabildos and Indian Peoples of the Department of Beni, it was decided to hold a peaceful march in order to force the government to demarcate indigenous territories. The march took place in November in the Department of Beni.

According to a report from the National Scientific Academy, the continuing exploitation of natural resources in the tropical rainforest is threatening the extinction of 70% of the natural rainforest species.

A new Commission of Investigation, composed of human rights and religious organisations as well as indigenous support organisations in **Paraguay**, was denied entrance to the Campo Loro Mission in the Department of Boqueron, where *Ayoreo* Indians are being detained by the New Tribes Mission, a North American fundamentalist organisation. The objective of the Commission was to verify rumours that the New Tribes were using the Ayoreo as cheap labour for the Mennonites in what have come to be called "evangelical concentration camps".

In the Department of Caazapa, in Eastern Paraguay, the *Ache* Indians have been "legally" deprived of their lands which are being sold to Brazilian colonists. The latter have begun a rapid deforestation of Ache lands in order to introduce soya beans which have a high commercial value. The lands are being sold by the company, Tuparenda S.A., which possesses legal titles to the lands.

At the end of December 1988, the Senate and the Chamber of Deputies

In Bolivia, the indigenous peoples helped by non-indigenous are struggling to overcome problems concerning land as well as recognition of indigenous languages (photo: Barbara Simon).

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In Paraguay, Ayoreo Indians are being detained by the New Tribes Mission, a North American fundamentalist organisation suspected of being "evangelical concentration camps". Photo: IWGIA archives.

approved Law 1372 which arbitrarily reduced the lands of the Ache from 5 692 hectares to 1 500 hectares. In March 1989, the Ache leaders asked the then Minister of Defense, General S.R. Adolfo Samaniego, for the recognition of all of their territories.

In June, Brazilian colonists began to invade the eastern section of Ache lands. In August, a lawyer from the Institute of Rural Welfare (IBR) recommended the recognition of only 1 500 hectares of traditional Ache territory. In October, the Conference of Bishops of Paraguay went to the Tuparenda company and offered to buy 4 000 hectares of land for the Ache. In December, Tuparenda informed them that it had no intention of selling lands to the Ache and that the 5 692 hectares which the Ache demanded had already been sold to Brazilian colonists.

Also in the Department of Caazapa, the *Mbya* Indians of Carumbe'y are fighting to defend 2 500 hectares of their traditional territories. In November, a judge decreed arbitrarily that the Mbya only had rights to 1 200 hectares. It is feared that this area is distributed in pockets which will not maintain the 60 Mbya families who will be thrown off their traditional area.

In **Chile** the year began with violent repression against the *Mapuche* community of Tranaman where police removed about 40 families which they found harvesting wheat. The Mapuche claimed that the land is theirs according to title. As a result, 12 Mapuche were detained and five were injured, among them Jose Santos Millao, the President of the organisation, Ad-Mapu.

The political ethnocide which Pinochet's government has been carrying out over the last decade still characterises the situation today, where the Chilean indigenous peoples have no protection of their rights.

Because of the promulgation of Decree Laws 2568 and 2750 by Pinochet's government in 1979, almost all Mapuche communities today are divided. These laws imposed a system of private property on traditional Mapuche lands which has resulted in massive migration of Mapuche families to the large cities in search of work.

In the Mapuche community of Pehuenche de Quinquen, the illegal felling of Norfolk Island pines by individuals in order to plant commercial crops is causing serious problems. The sale of fruits from the pines is the only source of income for many Mapuche families and now they have lost this. In some areas protests from Mapuche organisations have partially halted the felling of the pines.

The *Aymara* people continue to be seriously affected by the Water Code of 1981 which privatised this vital source of subsistence. Under this code, rights to the use of water can be given to individuals even when they do not own the land where the water is found. Furthermore, through this piece of legislation mining companies in the region have been appropriating

In Chile, the Mapuches claim that they are victims of violent repression as part of the political ethnocide policy of the now defunct Pinochet government.
Photo shows a Mapuche woman in traditional dress.
Photo: Commission Chilena Derechos Humanos.

water belonging to Aymaran communities and this in turn has led to the drying up of water sources and has encouraged migration.

The *Rapa-nui* people who live on Easter Island, and who number approximately 2 000 individuals, continue to suffer from the consequences of Decree Law 2885 of 1979. This Decree permits the Island's inhabitants to apply for individual rights to land on which the Rapa-nui live (some 7.5% of the Island). The lands which the Rapa-nui claim as their own, were inscribed in the name of the Rapa-nui by the Fiscal of Chile in 1933.

In **Argentina**, the *Wichi* people, numbering about one thousand people, live in neglect in the Province of Salta, in northern Argentina. They experience extremes of temperatures which causes terminal pulmonary diseases and Chagas disease. The Wichi receive no medical assistance at all from the government and the community has neither schools nor roads.

Aiko, the only member of the Wichi community who speaks Spanish and who is himself suffering from Chagas disease which results in irreversible heart problems, decided that before his death he would denounce the situation of his people to the Argentinean authorities. Aiko reminded the authorities that President Raul Alfonsin, during his election campaign in

1983, promised the Wichi that, if he was elected, he would give them the property titles to the lands which they have traditionally occupied. This promise has not been fulfilled.

The Coordinating Council of Indian Nations of Argentina (COCNAIA) announced in the middle of the year that Salvador Cejas Pince, an Argentinean Mapuche, had been elected as the new Coordinator General of the Indian Council of South America (CISA).

In October in Argentina, WCIP President Donald Rojas(shown here on visit to IWGIA, Copenhagen) signed an agreement on projects for indigenous communities such as AIRA (Indigenous Association of Argentina).

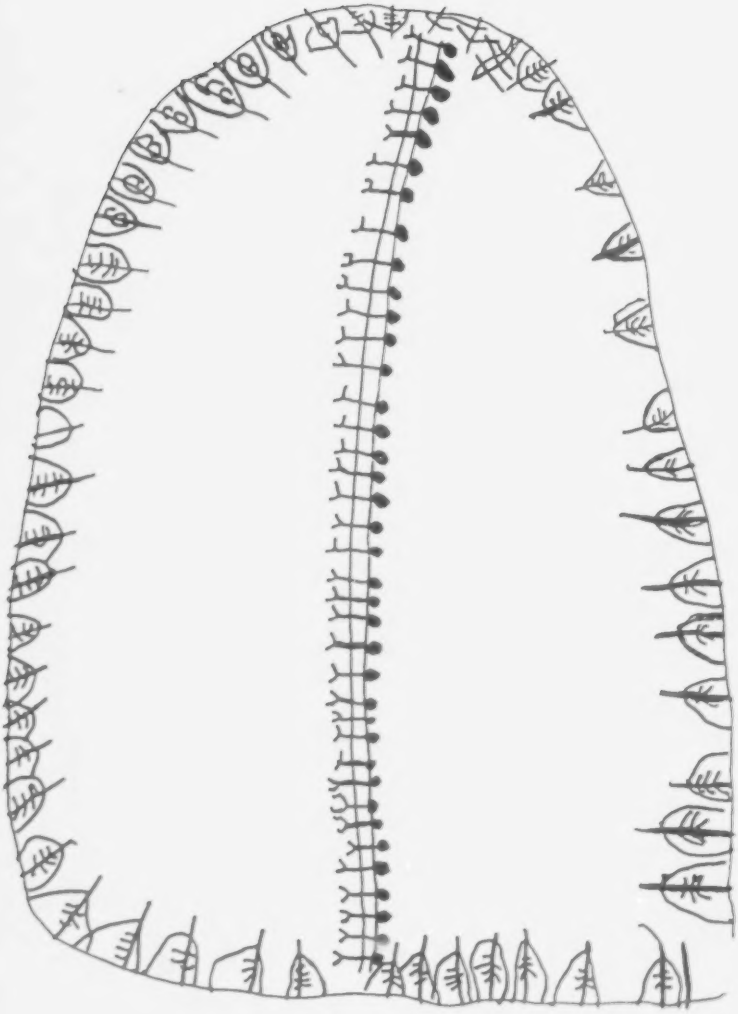
In October, in San Martin de los Andes in the Province of Neuquen, the Xth Interamerican Indigenist Congress took place with representatives of the World Council of Indigenous Peoples (WCIP). The resolutions of the Congress included, among others, the strengthening of the indigenous movement and its organisations based on the recognition of a cultural pluralism. In accordance with this, it was recommended that governments change their integrationist and assimilationist policies towards indigenous peoples.

Another important recommendation from the Congress was the incorporation of the principles of self-determination into national laws and legal instruments to allow indigenous peoples to assume control over their own lives.

In October, the President of the WCIP, Donald Rojas, signed an Agreement with the Minister of Social Welfare of the Province of Jujuy, with a view to drawing up development projects in indigenous communities in the Province. The Agreement was signed during a visit which the WCIP made to the Provinces of Jujuy, Salta, and Tucuman accompanied by representatives of the Indigenous Association of Argentina (AIRA).

The Indigenous Coordination of the Amazon Basin (COICA) presented in July, a study offering alternatives for the administration of the Amazonia.

Sources: Amerindia, Boletin(CMPI), Latin America Press, Porantim, Unidad Indigena, Unidad Alvaro Ulcue, Voz Indigena , News dispatches from CRIT, IPS.



Yanomami artwork and sketches.

Map of The Pacific

Island Population: 15 million

1. *Native hawaiians*
2. *Tahitians*
3. *Kiribati*
4. *Cook Islands*
5. *Tonga*
6. *Belau*
7. *Marshall Islands*
8. *Marianas*
9. *Guam*
10. *Kanaky*
11. *Fiji*
12. *Vanuatu*
13. *Papua New Guinea*
14. *West Papua*

PACIFIC

In the Pacific region, the main issues in 1989 were the continuing militarization and presence of foreign military and nuclear-related installations, the on-going French nuclear tests, and the denial to Pacific islanders of the rights to political independence and self-determination.

A Pacific-wide war game -PACEX 89- was conducted during August, September and October by the U.S. Pacific Command. Considered to be the largest military exercise in the Pacific since the end of World War II, it stretched over a 7 000-mile arc and involved the deployment of most major U.S. warships in the Pacific and all five U.S. military services. It also included a high degree of allied involvement with Thailand, Singapore, Japan, South Korea, Canada, Australia and the Philippines participating in either official or unofficial capacity in what was essentially a U.S. exercise.

In the **Marshall Islands**, U.S. and M.I. government officials signed leases in mid-June for US Army use of four new defence sites in the Marshall Islands. The lease of small parcels of land on the atolls of Likiep, Enewetak, Wotho and Ailinglaplap marks the Army's first expansion outside of the Kwajalein Atoll missile testing range facility. The four atolls will be used to station temporary antennae and tracking equipment to monitor incoming missiles launched from California under the first series of Strategic Defence Initiative or "Star Wars" tests.

Belau was given "a year to breathe in" when Belau's Senate and House of Representatives (OEK) early this year passed a bill to set up a Commission to hold talks with the U.S. about Belau's future status. The Commission's 20 members were given one year to report back on their findings to the OEK. According to the mandate given by the OEK there can be *no* amendments to the Belauan constitution in any negotiations about the Compact of Free Association with the USA. If there were any conflicts between the constitution and the compact, the compact would have to be changed. This line of thinking ran directly contrary to the view pushed by U.S. officials over the past 18 months, that the Constitution be changed to suit the Compact agreement.

In June, however, the U.S. tried to press the OEK to arrange a referendum on the Compact already during the month of July. But the Belauan Senate refused, and it was not until October that the OEK finally agreed to a referendum in 1990. The referendum is to maintain the same version of the Compact as the last vote, and leaders from the Belauan Senate, House of Representatives, state governors and traditional leaders have agreed that the requirement for 75% voter approval will stand.

While France back home solemnly commemorated the Bicentenary of the French Revolution, it did not apply the ideology of "Liberty, Equality, Fraternity" in the Pacific region, nor did it take steps to comply with the

demands of the Pacific governments to stop its nuclear tests at **Moruroa** and **Fantagaufa**. On the contrary. At the South Pacific Forum's meeting in July, France's representative, the French Permanent Secretary for the Pacific, Mr. Philippe Baude, reiterated France's continued denial: that the tests pose no danger whatsoever. Mr. Baude also stated that French aid and France's "new" Pacific policy only aims at integrating France more into the region, and at contributing to "safety and stability" in the region. It should not be seen as a move to diminish regional opposition to continued French testing. France is now one of the largest aid donors to Fiji, catapulting past Australia and Japan, and has made other large aid donations to the Pacific nations recently.

In **French-occupied Polynesia**, however, the opposition to the French nuclear tests is growing. In July 33 members of the Polynesian Liberation Front (Tavini Huiraatira) commemorated the 23rd anniversary of the first atom bomb detonated at Moruroa by going on a hunger strike on the steps of the cathedral in Papeete demanding that the Territorial Assembly start discussing the French nuclear testing and its effects upon *Maohi* society.

The strike which coincided with the preparations for the Bicentenary of Bastille day, attracted international attention and support and caused considerable embarrassment to the local government and the French authorities.

The future political status of **Guam** is to be determined in 1990. In the meantime the Guam Draft Commonwealth Act has been discussed in the Sub-Committee on House Interior, Insular and International Affairs. In an oral testimony before the Committee, Poka Laenui, vice-president of the World Council of Indigenous Peoples stressed that:

> the Guam Draft Commonwealth Act ... cannot be hidden under the cloak of "internal affairs" of the United States. This matter falls squarely within the international process of *decolonization*. The Chamorro people today are calling over and over again for self-determination.

But, Laenui went on," the United States has not met the standards by which self-determination should be exercised. Specifically, the United States, as the administering power over Guam, has full control over transmigration to Guam. Thus, American citizens have been permitted to flood Guam without limit, without any effective objection by the *Chamorro* people. The United States can, and has gone further in opening the flood gates to foreigners' immigration from Asia into the United States, using Guam as an initial stop. (And) all of these people are then entitled to participate in any electoral process of "self-determination"...

Turning to the aspect of "determination" Laenui pointed out that there is a range of choices, from total integration within a dominant national power to complete national independence, and he continued:

> Has the Chamorro people been fully informed of the range of their choices? Is the United States ready to implement the choice for independence, should the Chamorro people so decide? Apparently not. Recently, a news article headline announced that the United States would outright deny Guam independence should they so choose.

In his concluding remarks, Laenui submitted the following solution: that the Chamorros, the indigenous people of Guam, be given effective, total control of any process in which self-determination is exercised. Furthermore, that the United States provide all necessary support to the Chamorro people to inform their people of their absolute right to independence, giving all necessary assurance that the United States will respect and abide by such a decision should that choice be made.

In 1940, the Chamorro people accounted for more than 90 percent of the total population of Guam. Today, as a result of US law and immigration policy, they make up some 48 percent.

The U.S. army plans to use Johnston Atoll to burn up all the U.S. Army's chemical weapons currently in Europe. This would mean an expansion of the Johnston burn plant project which originally was to take care of only the weapons already on the atoll. It also possibly means that Johnston in the future will be used for the destruction of other stockpiles.

The South Pacific Forum held its 20th meeting in **Kiribati** on 10-11 July. The meeting coincided with Kiribati's 10th anniversary of independence from British colonial rule. Featuring high on the agenda list were French nuclear tests and Japan's and Taiwan's driftnet fishing.

Driftnetting is thought to be extremely destructive not only to fish but to other marine life -which is why the Japanese themselves have prohibited its practice within their own 200 mile exclusive economic zone!- and the Pacific nations have long been deeply concerned over the damage being done by the Japanese and Taiwanese driftnet fishing to the economy and environment of the Pacific. Last 20 November, South Pacific nations signed in Wellington, N.Z.,a Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific; in December they submitted a draft for a UN resolution calling for a halt to large-scale driftnetting in the South Pacific Region by 30 June 1990. However the Pacific Island nations were pressured to modify the wording of their resolution. The pressure came from Japanese representatives at the U.N. and was conveyed by New Zealand and Australia, who informed the Pacific representatives that if they did not agree to change the resolution's wording about drift-net fishing being "destructive", and to postpone the ban on driftnetting for three years, there would be no guarantees that the Japanese would even accept a driftnetting halt after three years. Pacific delegations were given until 9 a.m. the next morning to confer with their governments back home.

In February the Parliament of **Marshall Islands** approved in concept

the plan of a U.S. West Coast company, Admiralty Pacific Inc., to bring millions of tons of non-toxic waste, for use as landfill in some of the low-lying atolls in the Marshalls. The parliament resolution which recommended a feasibility study and authorized the President to negotiate with Admiralty Pacific, was not passed unanimously. Several senators expressed concern about whether the municipal and household garbage which is to be used will really be "non-toxic, non-hazardous waste". Studies have shown that household garbage has 10% metal (e.g. lead, cadmium) and often contains other toxic components such as paint solvents, cleaning compounds and pesticides.

Leaders in **French-occupied Polynesia** are worried by the perspectives of 1993. In May the French government transmitted to the Territorial Assembly a series of documents relating to the final steps soon to be taken to realise a fully integrated European Common Market. Very revealing about the totally dependent status of the colony, was the fact that the 41 assemblymen were asked to give their opinion on many matters that had already been discussed in Brussels and agreed to by France.

The integrated market means among other things that the 300 million citizens in the 12 countries of the European Community, will soon be freely allowed to settle and work also in the French overseas territories. Having already seen their islands -especially Tahiti- being invaded during the last 25 years, by some 30 000 metropolitan Frenchmen, the Polynesians fear becoming totally submerged by another and much bigger invasion wave. An equally distasteful prospect is the freedom big European business firms will soon have to invest and open branch offices in their islands and thus complete the French political domination with a multi-national economic colonization.

Full integration of the European Common Market may also turn Tahiti into a rubbish dump for Europe's nuclear nations. Daniel Millaud, Senator for Polynesia in the French National Assembly warned in a press conference in September:

> The fact that Polynesia is (will be) part of the European Community entails therefore the risk that nuclear waste processing will be installed in Polynesia. For the European countries are no doubt willing to pay huge fees for the use of such facilities, in order to rid themselves of their cumbersome piles of nuclear waste. We must therefore immediately wake up to the fact that the deep waters of French Polynesia, occupying 4 000 000 square kilometers of the Pacific ocean, offer a long term solution to this problem, which would be disastrous for the islands.

In **Vanuatu**, former President George Sokomanu was sentenced to six years' imprisonment after being convicted of attempting a coup against the Government of the Prime Minister, Father Lini, and inciting mutiny within the country's security forces last year. His nephew, and Father Lini's political archrival, Barak Sope,was sentenced to five years.

Vanuatu's new head of state, Fred Timakata, may pave the way for a revival of customary practices. Timakata, who is himself a custom chief, is interested in restricting the influence of party politics in village communities. He is hoping to revitalise the influence of the customary leaders as he believes that the real Melanesian Way does not involve party politics in decision-making.

In **Fiji** Prime Minister Ratu Mara gave up his plans of retiring by the end of the year, and let himself instead be appointed for a second term by President Ratu Ganilau. At the same time he gave Colonel Rabuka, who instigated the military coup in 1987, an ultimatum to choose between politics and the army when it was leaked that Rabuka and his chief of staff were behind a confidential military document calling for 15 years dictatorship, and a number of very extreme solutions to the actual political impasse. Rabuka reluctantly chose to return to barracks.

1989 has been a difficult year for **Kanaky** and the *Kanaks*.

In May 1989, the country was deeply shaken by the assassination of Jean-Marie Tjibaou and Yeiwéné Yeiwéné. The two foremost leaders of the

Plentiful harvest from Pacific waters in Fiji, but for how long? Photo by Michael Metz.

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National Liberation Front, FLNKS, were shot by another prominent Kanak, Djubelli Wea, while they were visiting Ouvea Island to take part in the first commemoration of the French massacre of 19 Kanak militants in May 1988.

The murder should be seen as a clash between two radically different political views: Tjibaou believed that France would eventually grant independence to New Caledonia – while Djubelli Wea believed Kanaks would have to take it themselves. Wea and many Ouvea islanders also felt Tjibaou had betrayed their cause by going to Paris shortly after the massacre without even visiting the island to pay his respect to the communities in mourning. The Matignon Agreements that Tjibaou signed in Paris, had furthermore left the Kanaks divided. Many felt that they had been duped by the French once more, and even Tjibaou confessed in January in an interview that he had not read "the fine print" of the Agreements and that he had misgivings about the question of just who would be eligible to vote in the 1998 referendum.

It was feared that the death of Tjibaou would be the end of FLNKS. But although the trade union federation USTKE decided to leave the movement, the main political parties within FLNKS – Palika, UPM and Union Calédonienne – decided in November to hold a FLNKS congress early in 1990 and reaffirmed the need for the appointment of a new FLNKS president.

New Caledonia went twice to the polls with the following results:

- The municipal elections in March gave a mandate to FLNKS in 20 out of 32 municipalities or an increase of two over the 1983 elections.
- The provincial elections in June gave the FLNKS control of the provincial councils in the Northern and Loyalty Island provinces, while the pro-French and conservative RPCR (Rally for Caledonia in the Republic) took control of the Southern province.
- Both elections were held within the framework of the Matignon Agreements, which provide for a one-year period of direct rule while municipal and provincial infrastructures are being set in place.

It appeared at the end of the year that the benefits of social and economic development promised by the Matignon Agreements are only slowly reaching the bulk of the Kanak population. A "Four Hundred Cadre" training programme has been established, but the original vision of 400 Kanaks being given the opportunity of administrative or technical training in France, has now been changed to 400 "Caledonians". The new Land Reform Agency – ADRAF – had its first meeting in November after a series of scandals involving senior figures in the RPCR. So far, some 15 000 hectares have been redistributed – of which 2/3 were given (back) to the Kanaks. Another 15 000 hectares will be redistributed during 1990.

The indigenous peoples of **West Papua** continue to suffer from the

Dani woman of the Baliem river valley (photo: ILO). West Papua resettlement schemes for indigenous are eventually going to affect some 43 000 tribals.

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resettlement programmes which are being carried out by the occupying forces of Indonesia in connection with the Indonesian transmigration policy.

Since the Indonesian occupation in May 1963, an estimated 400 000 settlers from central Indonesia have been brought to West Papua, the home of 800 000 indigenous Papuan People.

A recent report on transmigration has pointed to the fact that 80 percent of the resettlement sites have failed to increase the transmigrant's standard of living. In spite of these failures and the human and environmental costs of transmigration, the program is to continue in West Papua, even though a number of families have had to be retransmigrated to other islands, owing to lack of soil fertility and infrastructural support of the newly cleared land offered them by the program.

In th. mountainous interior of West Papua, plans have been announced during 1989, to resettle 4 000 *Dani* tribespeople to lowland areas along the site of the planned road connecting Jayapura and Wamena, in Indonesian-style houses within easy reach of government control. The official reason for the resettlement is an earthquake in Baliem Valley on 1 August, causing about 120 deaths. The resettling of the Dani people has been criticised by people working in the area, warning that considering the inadequacy of medical facilities in the West Papuan interior, the mountainous Dani people will suffer far more deaths from malaria in the lowland areas, than any earthquake will possibly cause them in their homelands. If continued, this program will eventually affect 43 000 tribespeople.

Through the year, there has been open defiance of the Indonesian forces of occupation in West Papua. On 14 December 1988 West Papuans showed their determined aspirations of establishing an independent Papua state. During an anniversary ceremony in December 1989 celebrating the proclaimed independence, hundreds of people were arrested in Jayapura, the capital of West Papua.

At the meeting of the UN Working Group on Indigenous Populations in August, the *West Papua Volksfront* (OPM) presented a review of the right to self-determination of the indigenous peoples of West Papua. The OPM representative expressed the hope that the UN resumed its responsibility, from which it withdrew twenty years ago on 19 November 1969 when the General Assembly accepted the validity of the fraudulent "plebiscite" in West Papua. The statement further underlined several areas of concern:

1) The economic and cultural exploitation and political oppression of the *Asmat people*, who are being denied their right to live according to their own culture and traditions, and yet at the same time are suffering from the effects of the Indonesian tourist industry.
2) The sufferings inflicted on the *Amungme people* from transnational mining companies since the Freeport Coppermine was established in 1967.
3) The planned eucalyptus plantation and paper mill project in Merauke,

threatening to turn the lands of 15 000 indigenous *Ayu-Papuan people* into a 550 000 ha. eucalyptus plantation.

With a planned total investment of US $ 654 million, the planned pulp and paper project will represent the largest single investment in Indonesia.

Conservative estimates suggests that a project of this scale will bring an influx of 30 000 people into the region over the next five years, exerting considerable pressure on traditional land tenure and utilization pattern. The effects of such a project will be to uproot and marginalize the indigenous inhabitants, and will destroy their primary food source, the sago palm. Pulp and papermills are further amongst the worst polluters in the world, and the mills threaten to destroy the local ecosystem.

During 1989 the implementation of the project has been continued by the Indonesian company Astra, while on October 16 1989 Scott Paper Company walked away from the joint Indonesian-US project PT Astra-Scott, after worldwide criticism from local and international NGOs.

Logging and forest industries have been the main threats facing the indigenous peoples living in the Bintuni Bay region, in the western part of West Papua. Bintuni Bay, recognized as the most extensive, pristine mangrove ecosystem in Asia, and the main food source for the indigenous communities living there, is now being heavily logged by Indonesian and Japanese timber and trading companies. Already more than half a million hectares of mangrove forests have been licensed out to logging and paper industries, and for industrial sago production, depriving the indigenous West Papuans of their means of subsistence.

Sources: Environesia, Le Monde, Pacific News Bulletin, Sunday Star, Survival International, Tapol Bulletin, Statements at the UNWGIP.

Map of Australia and Aotearoa

Australian Aborigine Population: 250,000
Aotearoan Maori Population: 350,000

1. *Barunga, Northern Territory*
2. *Warumungu*
3. *Wakaya/Alyawarre/Waripiri*
4. *Swan Valley*
5. *Rudell Valley*
6. *Broome*
7. *New South Wales*
8. *Tasmania*
9. *Torres Straits*
10. *Ngai Tahu claims*
11. *Taranki*
12. *Murihuena*
13. *Ngaitamarawaho*

In 1989 new threats to Aboriginal land rights were reported from all over Australia.

In Far North Queensland traditional owners were fighting plans to build a commercial spaceport that would threaten their country which makes up a significant part of Australia's remaining wilderness.

In Western Australia, Aboriginal groups, led by the "Fringe-Dwellers of the Swan Valley", set up a protest camp near Perth, on a registered sacred site. The Government is planning to use the site for building a tourist centre and a museum for an Aboriginal art collection bought recently in the U.S. from businessman Louis Allen for Aus $ 2 mill.

In New South Wales, the *Kooris* were protesting against the efforts by the Greiner Liberal-National State Government to repeal the 1983 Land Rights Act and to abolish the existing Land Council structure.

In the Northern Territory the Government passed a new law on sacred sites, The Aboriginal Sacred Sites (NT) Act 1989 which repeals the 1979 Act.

The crux of the debate on Aboriginal site protection is, *who* is to determine that the protection of a particular site is of such importance to Aboriginals that it outweighs considerations of economic development? This is closely related to the question of "who should decide whether a particular area is a sacred site?".

Aboriginal custodians, represented by the Land Councils and the Aboriginal Sacred Sites Authority, have persistently argued that they should decide these two questions, and they have been successful in retaining the statutory power to determine what is a sacred site.

As of now, the ultimate authority for the protection or destruction of sacred sites rests with the Minister and the new Act thus places limitations on custodians' power to protect sacred sites in circumstances where the Government believes there are benefits to be had from alternative land use.

The Central and Northern Land Councils have therefore condemned the Bill as "completely unacceptable and an insult to all Aboriginal peoples". During the legislative Assembly sittings in May, hundreds of Aboriginal people and their supporters set up protest camps in Alice Springs, Tennant Creek, Katherine and Darwin. They were supported by non-Aboriginal church leaders, trade unions and community groups.

Aboriginal people have appealed to the Commonwealth to act, and they have asked that responsibility for legislation for the protection of Aboriginal sacred sites be returned to the Federal Government.

One good news, however, was the result obtained by the *Jawoyn* people. After a 13-year long struggle they finally received title to some of their traditional lands near Katherine (NT).The traditional owners through the

Jawoyn Aboriginal Land Trust have agreed to lease part of their traditional lands to be operated as a National Park. The lease, however, guarantees traditional rights to use and to occupy the area of the park for hunting and food gathering, and for ceremonial or religious purposes, and to reside in places specified by the park management plans.

The Royal Commission on Aboriginal Deaths in Custody released an interim report and the first four case reports –out of 110 Aboriginal deaths to be investigated– in January. While the reports were met with approval by the Federal Government, key Aboriginal groups and the dead men's relatives were angry because the head of the inquiry, Mr. James Muirhead, QC,

An Aborigine old man holding a baby (photo: Rikki Shields). The Australian Commission on Aboriginal Deaths has recommended that detention must be used as a last resort and must not be enforced in minor cases such as drunkenness or non-payment of fines and Aborigines in custody must have protection of their rights.

did not recommend charging individual police and prison officers in connection with the four deaths.

One of the Commission's main recommendations is that custody be seen as a last resort, and people should not automatically be jailed for failing to pay fines, or for drunkenness. Mr. Muirhead also recommended that special measures be employed to protect Aborigines taken into custody.

Mr Muirhead's comments on police and prison officers were not well received by the concerned. On the recommendations concerning police and prison officers with racist views, the Queensland Police Union President said, "That must refer to other states".

Strong reactions were also reported from Western Australia where the leader of the W.A. Liberal Party called the Commission "a monumental waste of time and money". W.A. is the state with the highest number of Aboriginal deaths in custody in the whole country -35 out of a total of 110- and six of these occurred in 1988.

Pat Dodson, who retired as Director of the Central Land Council earlier in the year, has been appointed Aboriginal Commissioner to the Royal Commission and will examine the underlying issues relating to deaths in Western Australia.

A report, funded by the Combined Aboriginal Organizations of Alice Springs and published this year has destroyed the widespread myth that Aborigines do not contribute significantly to the economy of Central Australia. This was done by proving that the Aboriginal monies from a diverse range of sources constitute a third of the Central Australian economy. The report also identified 3 major constraints that Aboriginal economic development must overcome: the indices characteristic of the Aboriginal population such as poor health, education, housing and poverty; the political environment; and the size and state of local economy.

During 1989 Aborigines became increasingly concerned about the use white Australia is making of their traditional art.

In the case of the aforementioned Louis Allen collection, the Aborigines protested against displaying aboriginal paintings and sacred things. They said they felt Aboriginal culture was being used to draw in tourists and make money and that "it is making mockery of our belief and our living culture".

The Chairman of the Central Land Council asked the Federal Government to withhold financial assistance for the proposed Strehlow Research Centre in Alice Springs until Aboriginal concerns over the controversial collection were met. The NT government forced the Strehlow Research Centre Act through the Legislative Assembly, without even attempting to consult Aboriginal people, although the collection contains many items that are very important to Aboriginal people in Central Australia.

In the Northern Territory Johnny Bulun Bulun, an Aboriginal painter,

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was fighting in court to protect copyrights to his work, which has been used without his permission on T-shirts. The case was the culmination of a long battle by Bulun Bulun and others seeking to prevent the wholesale rip-off of Aboriginal designs by entrepreneurs around the country seeking to cash in on the popularity of Aboriginal art. The Association of Northern and Central Australian Aboriginal Artists was hoping that the case would be a breakthrough for Aboriginal copyrights.

The unnotified release of contaminated water from the Ranger Uranium mine on three occasions in February and March 1989 angered the Northern Land Council who seriously worried about the pollution of the creek and river systems, an important source of food and water for the traditional owners in the region. The NLC also felt that its faith in the environmental safeguards for the mine in Kakadu National Park had been considerably reduced.

NAILSS, the National Aboriginal and Islander Legal Services Secretariat, has called for the establishment of the office of International Indigenous Ombudsman. Such an office, NAILSS argued, could immediately protect indigenous rights and aid both indigenous peoples and national governments by informing about the standards of behaviour expected of governments. The suggestion was made during a meeting with the UN Working Group on Indigenous Populations (WGIP). NAILSS argues that so long as the Australian state governments remains not accountable, no international standards evolved by the UN can be enforced in Australia.

The preparations for the 150th birthday celebration of the Treaty of Waitangi in **Aotearoa** have been strongly criticised as an attempt to perpetuate the myth of Aotearoa as a model of racial harmony and unity.

In late August, Maanu Paul, Chairman of the Waiariki District Maori Council, called for a boycott of the 1990 celebrations, urging the President of the New Zealand Maori Council to head the non-participation of *Maori* in the commemorations and to lead a deputation of Maori leaders to deliver a message to the Queen. Paul said his council was concerned about the inordinate delay by the Crown in resolving treaty issues on fishing, local government reform, mining, education, and a fair share of air time for Maori on radio and TV. The boycott action, he said, was directed at getting the government to honour its obligations, and commitment to the Treaty.

New Zealand's Human Rights Commission is supporting the Waitangi Tribunal's recommendation for legislation enabling any person to use Maori in all the courts, and in dealings with Government departments, local authorities and other public bodies. The Commission said the tribunal's recommendations should be implemented in full because"it is New Zealand's legal and moral obligation, nationally and internationally, to take the necessary steps. With the 150th anniversary of the signing of the Treaty of Waitangi almost upon us, the time is appropriate to make the next move forward."

The *Ngati Te Ata* tribe has vigorously opposed the sale of the land and mining rights at Maioro to the Australian mining giant, Broken Hill Proprietary.

Maioro on the Waikato Heads, south of Auckland, is the site of sacred burial grounds where for centuries several tribes from the Tainui confederation have laid their dead to rest. In 1969, the New Zealand government issued licences to mine the grounds for ironsands, and the desecration of Ngati Te Ata tupuna has continued to this day.

The sale to Broken Hill Proprietary disregards a 1985 Waitangi Tribunal recommendation that the Crown compulsorily acquire important sacred sites which the Tribunal finds to be inadequately protected by the mining company.

Sources: Aboriginal Law Bulletin, N.Z. Herald, Pacific News Bulletin, Survival International News, Information from Stan Pelczynski.

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Map of East Asia

Indigenous population of East Asia, 67 million

1. *Ainu*
2. *Yami*
3. *Uighur*
4. *Tibetans*

The *Ainu* of **Japan** attended the U.N Working Group on Indigenous Populations session in 1989, where the representatives from the Ainu Association of Hokkaido gave a review of the current state of indigenous affairs in Japan.

Commenting on the revised ILO Convention no.107 of 1989, the representatives stated their regrets over the integrationist views of the government of Japan that has been reflected in the revised ILO Convention.

The relationships between the Ainu people and the state of Japan continues to be directed by an assimilationist policy as outlined in the Hokkaido Former Aborigines Protection Act of 1899.

During 1989, the Ainu Association of Hokkaido has been carrying out a campaign demanding that the Japanese government restore and guaran-

Typical Ainu dwelling as found in Ashinakawa Prefecture. Photo from IWGIA archives.

tee the rights of the Ainu people, that it will repeal the Hokkaido Former Aborigines Protection Act, and replace it with a new legislation aiming at the self-reliance of the Ainu people.

Recently, it was revealed that the Hokkaido Development Agency, a governmental organisation, has long been using the Ainus' privately-owned lands as national property, as riverbeds, and as national roads, without any form of compensation given to the loss of Ainu lands, originally granted under the Hokkaido Former Aborigines Protection Act.

Ainu land has, further been compulsorily expropriated in Nibutani, due to the construction of the Nibutani hydro-electric dam.

Apart from the land loss, the construction of the dam violates the Ainu people's traditional fishing rights in Shishirimuka river, an area of vital economic, social, cultural and religious importance to the Ainu.

The construction of the hydro-electric dam on Ainu land and waters is taking place without any consultation or consent of the Ainu people who are affected, thereby violating the right of peoples to self-determination, and the rights of minorities. Even a modest Ainu proposal to build a salmon ladder beside the dam, and to return the fishing rights in the river to the Ainu, has been neglected by the government.

A message from the Ainu residents of Nibutani, presented to the UNWGIP, complained about the deprivation of their rights to obtain natural resources and maintain their traditional culture and life-style, inextricably bound to land and fishing rights.

In many ways, 1989 was a year of great importance for **Tibet** and the Tibetan people.

At the end of the year the growing political squeeze in China and Tibet was in sharp contrast to the development in Eastern Europe.

The first sign of the restoration of conservative communism in China was seen in Tibet, where the demand for freedom and democracy was intensified by growing ethnic and nationalistic tensions.

The Chinese authorities' action against non-violent Tibetan protests since 1987 culminated on 8 March 1989, when martial law was declared in Lhasa following 3 consecutive days of so far the biggest demonstrations in Tibet in recent times. Chinese troops killed about 200, wounded several hundreds and imprisoned thousands of Tibetans. Lhasa was taken over by Chinese soldiers armed with machine-guns, tanks and ground-to-ground missiles. Journalists and tourists were expelled.

11 months after the declaration of martial law 600 Tibetan refugees had reached the headquarters of the Tibetan exile government, Dharamsala in NW India. There is considerable evidence to suggest, that the imposition of martial law in Lhasa was a pre-meditated plan, and that the Chinese authorities deliberately encouraged the escalation of the demonstrations rather than trying to control the crowds. To a large extent, the martial law

Tibetan Tantrisk Lama. Only very few of them left in Tibet owing to religious persecution (photo: Anders Højmark Andersen).

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decrees merely legitimised arbitrary police tactics, that have always been used in Tibet. The political commitment to these tactics was made clear in July 1988, when the Head of the Security Forces, Qiao Shi, during a visit to Lhasa, promised a policy of "merciless repression" towards Tibetan dissidents.

When Hu Jintao was installed as the new leader of the Tibetan Autonomous Region on 14 January, he announced the significant shift in Chinese policy in Tibet: a change of focus from economical development to the supression of "the small number of criminals, who sabotage the unity with the motherland" ....". The imposition of martial law less than 2 months later made possible an increased control of the Tibetans through forced registration, checkpoints, expul-ions and compulsory political meetings in "the neighbourhood committees".

On 19 January, 27 political prisoners were sentenced to death or to longterm imprisonment at a public sentencing-rally in Lhasa. This was the first time since 1987, that political prisoners were tried in court. During 1989 more cases followed, where Tibetans were sentenced to long-term imprisonment or three years hard labor for "counterrevolutionary activities".

During the autumn, several minor pro-independence demonstrations occurred in Lhasa. On 25 October about 1 000 Tibetans demonstrated, and

Chinese troops continue the brutal suppression of the Tibetan people (photo: IWGIA archives).

at the time of the awarding of Nobel Peace Price to H. H. the Dalai Lama, several small demonstrations took place. For the first time there were reports of pro-independence demonstrations outside the Lhasa area, for example the towns of Shigatse, Gyangtse, Tsedang and the town Ngaba in Eastern Tibet.

Despite the increased violations of the rights of the Tibetan people in 1989, the year was marked with many positive developments for the Tibetan struggle.

In February the U.N. Commission on Human Rights ended its 18-year long silence about China, when both governments and NGO's criticised the human rights violations in Tibet. After the massacre in Lhasa in March, many western parliaments passed resolutions, which condemned in strong terms the Chinese policy in Tibet.

The international recognition of Tibet's exiled leader H. H. the Dalai Lama was further strengthened in the summer of 1989, when he was received by the Presidents of Costa Rica and Mexico. This was the first time in 16 years that the Dalai Lama was received by heads of state.

H. H. the Dalai Lama was awarded the 1989 Nobel Peace Prize in Oslo on 10 December. The Chairman of the Nobel Committee, Egil Aarvik, recognized him as the political and religious leader of Tibet and emphasized, that "the Dalai Lama in his struggle for the liberation of Tibet consistently has opposed the use of violence". H. H. the Dalai Lama called the award "the recognition of the non-violent struggle of the Tibetan people for the last 40 years."

The first international hearing on Tibet was held in Bonn on 20 – 21 April 1989. It was followed by a hearing in August in India. IWGIA was co-organizer of a Tibet Hearing in Copenhagen on 19 November, where among the speakers were experts, NGOs, politicians and eyewitnesses from Tibet. Mr. Tenzin P. Atishe represented the Tibetan government in exile, and informed the audience of 500 people about the proposed talks between the government-in-exile and the Chinese government.

The talks scheduled to take place in Geneva in January were never held. China refused to negotiate with representatives of the Tibetan government in exile and to discuss any kind of Tibetan independence.

Sources: Statements to the UNWGIP, Geneva 1989. Tibet Information Network, Summary of World Broadcasts, *Tibetan Bulletin*.

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Map of Southeast Asia

Indigenous population of Mainland Southeast Asia: 15 million
Indigenous population of the Southeast Asia archipelago: 15 million

1. *East Timor*
2. *Dayaks*
3. *Kedung Ombo, Java*
4. *South Moluccas*
5. *Orang Asli*
6. *Sarawak peoples*
7. *Cordillera people*
8. *Mindanao*
9. *Mindoro*
10. *Batak*
11. *Hmong*
12. *Karen*
13. *Akka/Lahu*
14. *Kachin*
15. *Chan/Wa*
16. *Chittagong Hill Tracts*
17. *Nagaland*

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SOUTH-EAST ASIA

Archipelagic Southeast Asia

In December 1988, **East Timor** was declared an open province with free access for the press and tourism. During 1989, several foreigners visited the country which was invaded by Indonesia in December 1975.

Martin Cohn of the *Toronto Star* was however not able to shake off security personnel:

> When I asked to travel to remote villages in the province, the government insisted on an escort of armed soldiers, plainclothes security officers and other officers. At some interviews, four notepads recorded the ensuing conversation: My own, plus those of the information officer, protocol officer and the intelligence agent. It took a special plea to persuade my eight minders to stay behind during the visit to Venilale's orphanage. Still, a man identified to me as a government informer shadowed me and photographed anyone willing to be interviewed.

Juliet Rix of the London *Guardian* wrote that although the opening "has eased travel restrictions... this does not mean that the army has lessened its grip." She spoke of military checkpoints every 12 miles, adding that "many

Delegates at the international gathering of solidarity groups on East Timor held in Copenhagen, February 1989 (photo: Carmel Budiardjo)

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Timorese are afraid to speak to foreigners for fear of subsequent interrogation which may still involve physical as well as mental abuse."

A Japanese journalist from *Yomiuri Shimbun* was told that because of continuing clashes between rebel forces (FRETILIN) and the Indonesian military, five areas had not been opened up "for security reasons" and he could only visit by helicopter. Although in one place he visited he was told by officials that there was no more fighting, a resident told him that there were several clashes in July and November 1988 and several people were killed.(1). Other visitors included seven British parliamentarians (four Conservatives and three Labour) and two Swedish freelance reporters (Jan-Erik Forsberg and Eva Vanglund).(2)

The most prominent guest was the head of the Roman Catholic Church, Pope John Paul II, who visited East Timor in October 1989. During his visit there was a turbulence when Timorese nationalists shouted slogans praising the Pope and demanding independence from Indonesia. According to several reports, more than 40 people were arrested and tortured in order to extract confessions.

Since the Pope is an important person, there was massive coverage of the episode in Western media. East Timor even hit the front page of the *New York Times*. Subsequently, more than 100 members of the U.S. House of Representatives voiced their concern over these developments in a letter to the U.S. State Department asking for an official inquiry. The Indonesian embassy protested in a letter to the *Washington Post*.

"The Indonesian government has issued a statement categorically pointing out that no such detainment was made and the accusation made by a certain segment of the international news media is, therefore, totally unwarranted".(3)

In Indonesia itself, President Suharto publicly admitted that he had personally authorised the death squad killings which swept Indonesia in 1983 and 1984, killing 5 000 to 10 000 people. This admission did not become an international scandal. In fact, it was barely registered in the media. However, when Iran's leader, the late Ayatollah Khomeini, issued a death warrant for author Salman Rushdie, it became an international scandal. There were strong protests. Both episodes occurred in early 1989. But Indonesia is a friend and Iran an enemy. The contrast could hardly be more striking.

A few months later, Suharto travelled to New York to receive a United Nations award for his country's success in slowing down population growth. The visit was ignored by the media. Nobody asked him any embarrassing questions about his controversial transmigration policies.(4)

At end of 1989, Indonesia and Australia concluded a long dispute when the foreign ministers of the two countries signed a treaty on joint development of what is called the Timor Gap. The treaty covers 61 000 square

kilometers between the northern coast of Australia and the southern coast of Timor which may contain large oil and gas reserves. The treaty strengthened bilateral relations between the two countries, but it is in violation of East Timor's right to control its territorial waters.(5)

Throughout 1989, Indonesia kept a tight grip on East Timor and showed no signs of ever letting go. This was a striking contrast to the situation in Eastern Europe where the Soviet empire was dismantled by peaceful means (except for Romania) and the human rights situation vastly improved.

In 1989, the Transmigration Ministry of **Indonesia** announced the target for the current five year plan: 550 000 families or about 2 000 000 people are due to be transmigrated during the period 1989-1994. The majority of the families to be resettled will be self-financing "swaskarsa" transmigrants, who will be directed towards producing export-oriented cash crops. Direct government subsidies will be limited to 180 000 of the families who will be sent to old-style food crop sites.

The World Bank is currently reviewing its support for Indonesian transmigration. A new $ 154-million loan, financing the rehabilitation and infrastructural improvements of nine existing sites (5 in Sumatra, 2 in Kalimantan and 1 in Sulawesi) is under consideration from the Bank, as is a $100-million Nucleus Estate Phase II Project, and a $45-million Smallholder Estate Tree Crops Development loan. The activities of the 2 latter projects are focusing on development of tree crops on existing transmigration sites.

In **Kalimantan**, combined transmigration and plantation projects, where the settlers work for plantations, whilst also cultivating their own land, have meant large-scale encroachment on indigenous land.

Studies of a transmigration site in Sintang, West Kalimantan, reveals how transmigrants as well as local indigenous residents are often reduced to cheap labour on the tree crop plantations. In one case, 65 000 transmigrant families as well as a number af indigenous nomadic *Punans* (the Kalimantan counterpart to the nomadic Penan in Sarawak), were given a rubber stand and food crop land, with the possibility of later receiving ownership. The project was implemented without having any consideration for either traditional land rights of the *Dayak* people, or their cultural rights to sacred sites and burial grounds.

Gradually the compensation given to the local people as well as the transmigrants for the work in the rubber fields, are decreasing.

In the eight years since the project was started, the lives of the affected people have been reduced to one of reliance on low salaries and poor living conditions on land they do not own, the promised ownership never having been turned over.

Like in neighbouring **Sarawak**, logging continues to constitute a major

threat to the one million indigenous *Dayak* living in Kalimantan where the world's second largest and relatively untouched, primary rainforest zone is located. Already some three million hectares of forest have been logged.

Destruction of mangrove forests constitute an additional threat against Dayak survival. Mangrove swamps are a source not only of sago, the stable food of the Dayak, but also of fish and of trees for firewood. The effects of mangrove logging to the Dayak are detrimental, depriving them of their means of subsistence. Although mangrove swamps are proven unsuitable for farm land, as the soil gets depleted in 3-5 years time, plans are afoot for the conversion of 3.3 mill. hectares of swamps into paddy fields, over a 15-year period.

A recent gold rush has dramatically intensified the pressures of opening up the Kalimantan interior. The Dayak people are facing large-scale invasion by transnational mining and logging companies together with illegal gold prospectors, and often disillusioned Indonesian settlers, whose standards of living transmigration has failed to raise, as evidenced by a recent report that pointed to this fact in some 80 percent of the resettlement sites.

In central Kalimantan, 15 000 traditional miners have been forcibly evicted during 1989, from the concession held by the joint U.S., Australian and New Zealand company, PT IMK. The government has promised to set up "peoples mining areas", but only nine hectares have been prepared in Central Kalimantan so far.

Meanwhile, mining companies and illegal gold prospectors encroach further on the traditional Dayak gold prospecting, thereby depriving the indigenous peoples of an alternative means of subsistence, amidst massive land alienation and deforestation.

In **Malaysia** the logging in Sarawak has continued during 1989."If the policy remains the same, by 1995 more than 60% of the forests in Sarawak are likely to disappear with disastrous consequences for the environment and the continued existence of the aboriginal population." These are the words used by the European Parliament in a resolution passed in November 1989 to describe the situation of the indigenous peoples of Sarawak.

However, 1989 has witnessed a few positive moves.

In November, the 83 *Penans* arrested in September were released on modified bail conditions, after an international campaign initiated by *Sahabat Alam Malaysia*. The Penans had been arrested for violating Section 90 B of the Forest Ordinance, which prohibits the setting up of blockades on logging roads. Hundreds of *Penans, Kenyahs, Kayans, Lun Bawangs, Ibans and Kelabits* have risked arrest since 1987, by blocking roads which intrude into their customary lands.

In late October 1989, 400 representatives of the *Kayan, Kenyak, Iban, Penan* and *Buketan* held a historic gathering of native groups in the longhouse community of Uma Bawang. Resolutions were passed, demanding a

How long can blowpipes defend the rain forest against bulldozers? The Penans in Sarawak in a a brave attempt to block their roads. Photo : Ole Hein Pedersen.

stop to logging on all customary lands. The meeting appealed to the Sarawak State Assembly to repeal Section 90 B of the Forest Ordinance, since the law contradicts legally recognized customary land rights. The indigenous representatives further demanded the dropping of criminal charges against all natives who have peacefully defended the forests.

This demand is supported by the European Parliament, who in its November 1989 resolution "sympathizes with the steps taken by the Penan, Kelabit and Kayan, with a view to combatting the further destruction of their surroundings" and "calls on the Sarawak Government to release immediately those arrested and to initiate genuine negotiations with representatives of the indigenous people".

In a newspaper report dated 15 November 1989, the Deputy Prime Minister of Malaysia, Abdul Ghafar Baba announced the possibility of a ban on log exports from Sarawak and Sabah. However, implementation of the ban has been delayed and the Sarawak and Sabah state governments are instead urged to gradually phase out the export of logs by 1995.

Meanwhile the situation in Sarawak deteriorates further. In December 1988 there was significant flooding at Marudi, caused by deforestation and soil erosion. Penans from communities all over the eastern part of Sarawak complain of food shortages due to destruction of forest resources, and of declining health.

While few actually positive developments could be registered in the **Philippines**, 1989 has, above all, brought new rounds of military offensives against indigenous areas which allegedly serve as operation bases for the guerrilla forces of the New People's Army (NPA).

The aerial bombings which exacted a heavy toll from among indigenous communities throughout 1987 and 1989 are continuing unabated. Also, ground operations seem to have become more severe as the military launched sustained offensives in various parts of the country producing tens of thousands of refugees, among them many indigenous peoples.

Lumad tribal chief, Dulangan Manuvu Kefeduwan, answering questions during a fact-finding mission in Mindanao. Lumad resistance to a series of geothermal plants on the Philippines' highest peak, Mt. Apo and multilaterally funded reforestation projects continues (photo: IPRCM, Mindanaw).

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Again, one of the areas hit hardest was the province of Kalinga-Apayao in the Cordillera (Northern Luzon). During a fierce offensive dubbed "Operation Plan Pakilala" (literally, "Operation Introducing Yourself") which started 21 May and lasted throughout June, around 300 Kalinga families from 14 villages in the vicinity of Upper Tabuk and Pasil towns had to flee from their communities owing to heavy shelling and strafing from air and ground forces.

Military operations likewise continued on a heightened scale in most parts of the southern island of Mindanao. In particular, the Mt. Apo area was repeatedly subjected to massive and ground assaults. No less than 2 260 families, mostly *Bagobo*, were driven from their settlements in Sta.Cruz, Davao del Sur, during operations between April and July. On the northeastern slopes of the mountain, two waves of bombings between March 21 and beginning of May compelled around 700 *Ata-Manobo* families from Paguibato, Davao City, to seek refuge elsewhere.

Government-designed projects, however, present an equally perilous form of assault on the country's indigenous communities. It was only last year that the full extent of the Aquino administration development plans for the uplands has become visible. A series of agricultural and infrastructure projects have been started in the Cordillera and in Mindanao, supposedly benefiting the indigenous population. Invariably, these projects, among them the EEC-funded Cordillera Agricultural Development Programme (CEPAP), have met with stiff resistance from the people, because they felt they were neither consulted nor have been given the opportunity to participate in the process.

Another threat comes from the efforts at so-called reforestation that the government is undertaking throughout the country which are often multilaterally funded. A point in case is the RP (Republic of the Philippines) – New Zealand Reforestation Project in the Mindanao province of Bukidnon where, under the pretext of ecological stabilisation, 14 000 hectares of *Manobo* ancestral domain is going to be planted with fast growing tree species that can be "harvested" again by the logging industry after a period of 10 years. The Manobo communities fear their displacement.

The determined resistance of at least six *Lumad* groups against a series of projected geothermal plants on Mt.Apo in Mindanao has caused much sympathy in the Philippine republic. Environmental organizations, indigenous advocate groups and church circles have rallied behind the Lumads who seek to prevent the Philippine National Oil Company (PNOC), the implementing agency, from continuing with their operations within "Mt. Apo National Park" which is Lumad ancestral domain. Due to the protests, the World Bank, the main source of funds for the project, has at least temporarily withdrawn from its commitment to the project. Hence, exploration work has stalled for the moment.

Granting "autonomy" to the *Bangsa Moro* (Muslim people) in the South and the *Igorots* in the Cordillera was supposedly the most important achievement of the Aquino government's minority politics. However, the content of the set-up of the two proposed autonomous regions was drafted the year before, without thorough consulations with the respective populations and at the virtual exclusion of people's organizations like the Cordillera People's Alliance(CPA). The Philippine Congress on its part, once again, watered down the original drafts before they were subjected to a plebiscite in November 1989 and January 1990, respectively.

Despite intensive lobbying by the government, the autonomy laws in both cases were overwhelmingly rejected by the people. In the case of the Cordillera, e.g. the autonomy law would have been flawed by the fact that all major provisions concerning resource control, land rights and environmental protection would have been subjected to national laws and the Philippine constitution, pieces of legislation ensuring the continued disenfranchisement of the country's indigenous peoples. While calling the autonomy laws (now turned down by the people) " deceptive and divisive", and "the mere political component of the government's total war policy", peo-

President Corazon Aquino with Lumad indigenous people but her autonomy politics have been rejected by both the Cordillera Igorots and Muslim Mindanao because of lack of prior consultations with indigenous organisations.
Photo: IWGIA archives.

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ple's organisations both in the Cordillera and in Muslim Mindanao have vowed to pursue their struggle for genuine autonomy premised on the concept of people's empowerment.

Sources: 1. *Tapol Bulletin*, no. 92/93, Apr and Jun 1989; 2. Newsletter, no.1 (Feb 1990) Danish Amnesty International(in Danish); Newsletter, no.18 (Nov 1989) Swedish East Timor Committee (in Swedish); 3. *New York Times*, 13,14 & 19 Oct 1989; *Washington Post*, 10 & 13 Oct, 17 & 23 Dec 1989, 18 Jan 1990; *Newsweek*, 23 Oct and 6 Nov 1989; *Christian Science Monitor,11 Oct 1989; London Times*, 11 and 13 Oct 1989; 4. *Tapol Bulletin*, no. 91, Feb 1989; *Los Angeles Times*, 10 Oct 1989; 5. *Timor Link*, no. 17, May 1989; *Wall Street Journal*, 12 Dec 1989, *Sahabat Alam Malaysia,ISurvival International, Third World Network Features. TABAK Action Alert Bulletin*. "Genuine Regional Autonomy Laws", Primer by the Cordillera People's Aliance. Various press clippings and written communication with advocate groups in the Philippines.

Mainland South-East Asia

The situation of the one million indigenous people living in **Thailand** continued to be difficult during 1989.

For the last four years, the *Hmongs* living in the northern mountain regions, have been facing forcible eviction from their lands.

Groundless charges against the hill tribes in the area have blamed indigenous peoples such as the Hmong as being the cause of the opium problem in the "Golden Triangle", even though the Hmongs control neither the production nor the trade of drugs in Thailand. (Control of this is in the hands of groups belonging to the anti-communist Kuomintang army).

Since 1986 the Thai government has been using these charges against the indigenous swidden agriculturalists in the hills, as an excuse to implement programs of either forcible relocation or "repatriation" of the indigenous hill tribes. Very few among the *Hmong, Akha* or *Lisu* have Thai citizenship, a prerequisite for land titles. Although born in Thailand, they are regarded as possible insurgents from Laos or Burma. The very existence of the hill tribes is considered illegal by the Thai authorities, and the practice of slash-and-burn agriculture, which is illegal, is reason enough to deprive a person of citizenship, and in this way render him defenseless against forcible "repatriation" or eviction.

During 1989 the Thai government has been using similar accusations against the Hmong, Akha and Lisu, to displace the hill tribes living in areas designated for large-scale reforestation projects. The indigenous mountain people are being blamed for the rapid deforestation of the hills over the last decade, in spite of the widespread illegal logging operations of Thai timber companies.

One of the effects of the reforestation schemes turning traditional Akha, Hmong and Lisu land into future large-scale commercial pine plantations, will be to displace the hill tribes, gradually squeezing them off their lands.

During 1989 the indigenous peoples on the Thai frontier with Burma were caught in a complex system of teak-logging and a military offensive that has been known as the "teak war".

Even before a nationwide total ban on logging was passed on 10 January 1989 in Thailand, teak-felling was illegal except under contract. Most of the teak was logged illegally in the northern parts of the country, where logging companies have been responsible for large-scale deforestation. The ban on logging by the government in 1989 has sent Thai logging companies across the border into Karen- and Karennie held territories.

The situation of the Burmese *Karen* living in refugee camps in Thailand, is deteriorating, as Thai-border police and military are increasingly cooperative towards the Burmese army, who they now supply with arms and food supplies.

Thai authorities have prevented groups of Karen refugees from crossing the border, and have closed existing Karen refugee camps to new arrivals. On the Thai side of the border, there are now at least 20 000 Karen refugees living in 9 camps and 2 000 Karenni refugees living along the Thai-Karenni border.

During 1989, local Thai authorities have permitted the Burmese army to fly observation planes along the border, and to set up military observation posts on the Thai side of the border. On two occasions Burmese troops have attacked Karen positions from the Thai side of the border.

The Thai-Burmese cooperation started in December 1988, when the Thai army chief of staff Chaovalit Yoonghayut visited Burma on behalf of Thai logging and fishing companies wishing to invest in Burma. Burma presently holds 80 percent of the world's resources. The leading military figures in Thailand are among the largest shareholders in the logging concessions, and the consequences of the logging across the border in Karen-held forests are far- reaching, and beyond ecological devastation. Thai logging companies are building roads through the jungle, subsequently used by the Burmese army during military operations into the territories of the Karen living in Burma.

In **Burma**, 1989 saw a long military build-up against indigenous peoples, and at this very moment in early 1990, a dry season offensive of the Burmese army is threatening the *Kachins* and the *Karens*.

During the last two years, 10 000 *Kachin* refugees have been forced to flee, crossing the border to China. Tens of thousands more refugees have resettled in the Kachin-held liberated zones stretching across Burma from the Chinese to the Indian border. Under heavy military pressure, the Ka-

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chin forces have had to abandon several of their positions, including battalion headquarters.

Fighting between the Karen and Burmese armed forces has continued during 1989, uprooting rural communities and pushing an increased number of refugees towards the Thai border. Bringing in heavy artillery to be used against Karen villages and civilians, the Burmese army is by every means, even with large-scale losses of human lives, trying to reach the border to clear the way between Burma and Thailand for trade in teak wood and other commodities, including narcotics. Most Karen refugees have taken shelter in the Karen-controlled territory, on the Burmese side of the border. In recent years the Karen have resettled 32 000 indigenous refugees within their territories, offering them protection, land and rice.

Both the Kachin and Karen people are fighting to retain their autonomy within Burma as part of the National Democratic Front, NDF, that besides the Kachin and Karen consists of *Arakan, Karenni, Lahu, Mon, Pa-O, Palaung, Shan* and *Wa* organizations making up 20 per cent of the Burmese population.

In the north, the Kachin autonomy depends on control of mineral resources such as gold, and on jade trading. In the south the Karen have adapted themselves to more than 41 years of ongoing war, organizing education, medical facilities and local government. The Karen and Karenni people and their indigenous political organizations KNU and KNPP, are the *de facto* leaders of large liberated zones, where they have been able to set up parallel administrations similar to the Kachins', with well-organized military and political structures. The Karen autonomy depends on taxation of crossborder trade, mining and logging, which has enabled them to build up a functioning mini-state in a territory never more than 30 miles wide, but almost 700 miles long. This has led to further fighting in the area during the year, when the Burmese military with logistical and material assistance from the Thai army and border police, has been trying to take the border.

Following the Burmese government's brutal suppression of the student uprising in 1988, the United States has cut off its foreign aid to Burma. This cut-off includes the controversial 2,4-D herbicide spraying programme, which during 1985-1988 was used by the Burmese army against hill tribe areas, spraying Shan and Kachin poppy fields with a 50 % ingredient of *agent orange*, devastating areas and rendering them unlivable.

Human rights violations in Burma continued during 1989. First hand testimonies describe how the Burmese army between 22 and 24 of June 1989 surrounded the town of Loi Kaw in Kayah State, seizing 1 500-2 000 indigenous villagers as porters. This raid took place in connection with military build up near the Thai border during the rainy season of 1989. The Karenni porters were forced to carry heavy loads of ammunition, arms and

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food, and were used in mine sweeping as well as forced to march ahead of the Burmese soldiers during military campaigns.

Amnesty International documented in 1989 the widespread occurence of ill-treatment and unlawful killings of suspected political opponents being used as porters. First-hand testimonies including that of Karen porters describe how men and women, suspected of cooperating with the KNU, are seized as porters by the Burmese army and routinely beaten and tortured as a means of discipline during the marches to the battlefields. According to relief workers, the casualty rate for porters under such conditions is 50 per cent. The latest information suggests that at least 200 porters died from exhaustion, sickness, lack of food as a result of Burma Army brutality and summary execution.

A similar pattern of human rights violations is applied against suspected political opponents from the cities. Urban civilians are detained without charge or trial, and transported to the frontier to be conscripted for forced labor in army campaigns into the territories of the indigenous groups such as *Kachin, Shan, Mon and Karen*. Thousands of students from Rangoon have managed to escape from the army, and have taken refuge among the indigenous groups in the hills.

The military regime had a date set for promised elections, but already in June 1989 a wave of political arrests was undertaken by the army. Civil liberties have not been restored, and neither has an interim government been formed.

In May 1989, the Thai government announced that it was willing to sponsor peace talks between the Burmese government and the resistance forces. This offer was agreed upon by the Democratic Alliance of Burma, DAB, the joint organization formed by the NDF together with Burmese student and religious organizations struggling for a federal democratic state, but the Burmese military junta leader Saw Mung refused to search for a negotiated solution. On 26 May 1989, Saw Mung declared in the *Bangkok Post* that the Burmese army would fight the rebels "until they are eliminated". Already 300 000 Karens are thought to have died in their struggle for indigenous autonomy, as a result of the war which has been going on since 1948.

In the Chittagong Hill Tracts in **Bangladesh** severe human rights violations have continued during 1989, along with the government programme to resettle muslim Bengalis in the area belonging to the indigenous *Jumma* people. The Jumma people including the *Chakmas, Marmas, Taungchengyas, Saks, Mrungs* and *Tipperas* are still struggling against genocide and a consistent pattern of violations of human rights, that has been going on for more than a decade now.

At the end of 1988 the Bangladesh Government announced an administrative solution to the problems in the Chittagong Hill Tracts, but

Chakma girls at the sewing machine trying to eke out a living as refugees. Photo: IWGIA archives.

there has been no improvement since the District Council Law was enacted in February 1989. On the contrary, reports of murder, rape, torture, looting, detention and religious persecution continue to come from the area.

Two months prior to the elections to the newly formed District Council, some of the worst atrocities of 1989 occurred in early May when the Bangladesh Army and armed Bengali settlers from the Village Defence Party attacked 9 villages at Langadu. At least 32 men, women and children were killed in the Langadu massacre. These killings were accompagnied by rape, beating and torture.

The Langadu massacre became known to the outside world when it was denounced by the official leader of the Chakma people, the Chakma Raja Devashish Roy, in a memorandum to the Deputy Commissioner of the Rangamati Hill District. After this protest the Chakma Raja was put under house arrest for 3 days, and the military oppression intensified.

After the Langadu massacre 14 000 refugees fled to Tripura, where there are now an estimated 70 000 Jumma people living in 6 camps. Conditions in the camps are still very poor, there is very little food and little or no medical supplies. The Jummas living in the camps are classified by India as displaced persons, not refugees, and any role of the UNHCR is therefore excluded.

Talks between the Bangladesh government and the indigenous political

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party of the Chittagong Hill Tracts, the JSS, Jana Samhati Samiti, continued until late 1988. In December the discussions finally broke down over the question of Provincial Autonomy, as the Bangladesh government was unwilling to fulfil the modified demands from JSS for a Scottish type of autonomy.

In February 1989 the Bangladesh government instead introduced an administrative solution to the problems in the hill tracts, the District Council Law.

The District Council Law establishes the formation of three district councils. Both Bengali settlers and the indigenous Jumma people can be elected to these councils, that have the power to make minor decisions but will have no executive powers or administrative competence.

The Jana Samhati Samiti(JSS) demands a political solution to the conflict in the hill tracts, on the basis of the 5-point charter of demands (see 1988 IWGIA Yearbook,p.116). The JSS firmly rejects the District Council Law, as the law formally repeals the Chittagong Hill Tracts Regulation of 1900 which provided for limited self-government by the tribespeople.

The Chittagong Hill Tracts Regulation of 1900 established that "no person other than Chakma, Mogh or a member of any hill tribe indigenous to the Chittagong Hill Tracts, the Lushai Hills, the Arakan hill tracts or the state of Tripura shall enter or reside within the Chittagong Hill Tracts unless he is in possession of a permit granted by the Deputy Commissioner at his discretion". During British rule, the regulation and the strict conditions attached to it for the granting of permits, effectively protected the survival of the Jumma people. From the indigenous point af view the enacting of the District Council Law is merely an excuse to repeal the CHT-regulation of 1900, thereby overruling any possibility for a political solution to the problems.

As a result of the District Council Law, and of the repeal of the Chittagong Hill Tracts Regulation of 1900, Bengali rights in the hill tracts have been validated and the resettling of about half a million Bengalis in the area during the last decade has been formally legitimized. The District Council Law marks a new phase of Bengali settlement, as the law establishes state control of no less than 90 % of the Chittagong Hill Tracts. The areas reserved for state control are: "Protected and Reserved Forests, the Kaptai Lake and Hydroelectric project area..and any land or forest which will be required in the interest of the state". The remaining area left for the Jumma people under the control of the district councils will be about one tenth of the Chittagong Hill Tracts, divided into three seperate districts.

In June 1989 elections were held for the District Councils. A vast majority of the Jumma people boycotted the elections, only 5%, 8% and 25% of the tribal population voted in the three districts. A number of them were forcibly taken by the Bangladesh armed forces to the polling centres,

where they were detained during the elections. The government compelled selected persons from among the Jumma leaders to run in the elections. A number of the candidates went on exile abroad, the most prominent of them being the former M.P., Upendra Lal Chakma.

After the elections, the situation remained similar to that of last year. The heavy military presence throughout the Chittagong Hill Tracts is still a serious threat against the indigenous Jumma people. The administrative changes in the Chittagong Hill Tracts have only worsened the situation, ruling out any change for a political solution. The Bangladesh government is still encouraging the resettlement of Bengalis in the Chittagong Hill Tracts. The Bangladesh armed forces are still supporting the paramilitary groups among the settlers, and thousands of Jumma people are still forced to take shelter in the jungles in order to escape from atrocities and being shifted to "model villages" by armed forces. In October 1989 IWGIA and BIAG, The Netherlands, set up an independent international commission on Chittagong Hill Tracts, in order to investigate the human rights situation in the area.

Sources: Amnesty International, Anti Slavery Society, *Burma Situation Report*, Chittagong Hill Tracts Campaign Network, *Cultural Survival Quarterly*, JSS Statement at the UNWGIP, Kachin Land Foundation, *KNU Bulletin*, Project Maje, Ramendu Dewan, Tom Malinowski, *Third World Features*.

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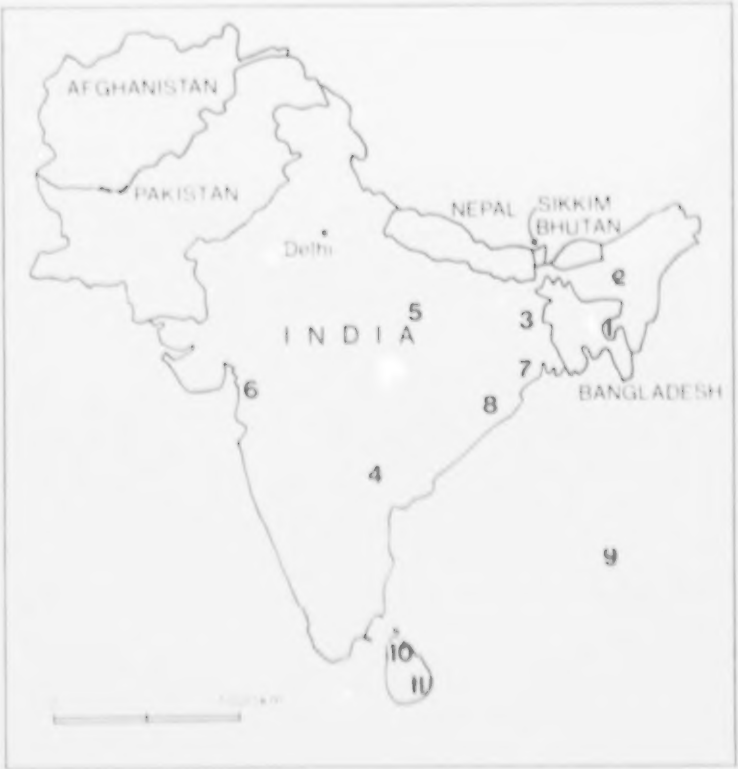
Map of South Asia



Indigenous Population of South Asia: 51 million

1. *Tripura*
2. *Bodo*
3. *Gurhka*
4. *Bodghat project*
5. *Singrauli project*
6. *Narmada project*
7. *Subarnarekha project*
8. *Orissa*
9. *Andaman Islands*
10. *Tamils*
11. *Vedda*

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SOUTH ASIA

Indigenous affairs in **India** continued to be conflict-ridden during 1989. The problems facing the indigenous groups vary across the country, where large-scale development projects, forced relocation, resettling programmes and continued human rights abuses have been confronted with powerful political opposition from tribal groups.

While severe human rights violations continue in the Chittagong Hill Tracts, the influx of refugees into Tripura does not abate. Photo: IWGIA archive.

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In **Assam**, the All-Bodo Students Union continue their demand for an autonomous state within India: Bodoland. The *Bodos*, who are tribespeople from the plains making up four million of Assam's 6.4 million tribals, are seeking a homeland on the vast areas of fertile land close to Assam's border with Bhutan. Although the area has been designated as a legally-protected tribal belt reserved for the Bodos, a major part is occupied by non-tribal settlers. Presently more than 60 percent among the Bodos are reported to be landless, owing to the large influx of settlers, mainly Muslim Bengalis who immigrated to the area from Bangladesh following the 1971 war. If successful in their demands, the Bodos can claim political status equal to that of the *Karbi-Anglong* hill tribes of Assam's North Cachar districts, which are likely to be merged to form an autonomous state.

In **Tripura**, migrants, mostly from East Bengal, now constitute 70 percent of the population. The indigenous peoples living in the hills, belonging to groups such as the *Chama,Mog and Reang, Tripuri* continue to suffer from the effects of the Gumti hydro-electric project, built in 1976. An estimated 2 258 families, mainly swidden agriculturalists, were forced to move when the reservoir flooded their cultivated lands.

Since 1976, 768 of the ousted families have been resettled in tribal oustee colonies, without any compensation for their agricultural land or forest. Within the oustee colonies, the tribal people are forced to live off inadequate land areas unsuitable for cultivation, and to earn their living working as day labourers in the forest industry, on fruit plantations or in road construction.

Afforestation projects in the area, creating plantations of timber and fuel-wood trees have further aggravated the land problems of the indigenous hill tribes. Large areas are reserved for protected forests, where the practice of swidden agriculture is strictly prohibited.

The effects of this programme will be to further uproot the indigenous hill tribes, forcing them to take up swidden agriculture even on hill slopes, in a smaller area and with a shorter period of fallowing. Afforestation gaining worldwide popularity in the name of ecological conservation, is having detrimental effects, thereby aggravating the ecological problems in Tripura, as it threatens to disrupt the ecological system of indigenous swidden agriculture.

Similar problems face the indigenous peoples affected by the massive dam projects in other parts of India. One positive move has been that during 1989, after years of legal cases lodged by the *Adivasi*, the Government of the State of Bihar finally cancelled plans for the hydroelectric dam Koel-Karo which would have flooded the lands of 60 000 tribal Adivasis.

However, other projects are going ahead, in spite of nationwide popular resistance.

In July 1989, the World Bank renewed the loan of US $450 mill (18-30

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per cent of the total cost) for the construction of the Sardar Sarovar dam in the Narmada Valley. The bank is still considering to support the Narmada Sagar dam further up the Narmada Valley, if the arrangements for Sardar Sarovar will be satisfactorily made. The renewal of the loans, for a period of one year, has been strongly protested by environmental and human rights NGOs in India and abroad, pointing to the fact that the rehabilitation criterias set by the World Bank, have not been met during 1989.

The Narmada Valley programme includes the construction of 30 major dams, 133 medium-sized dams and 3 000 small dams on the Narmada and its tributaries. The dams will displace over a million people from their lands; the two largest projects alone - Sardar Sarovar and Narmada Sarovar - will be displacing nearly 100 000 people each.

The people affected by the Sardar Sarovar are living in 248 villages. During 1989, 16 villages have been served notice to move. The compensations offered have been 1-2 hectares of land per oustee family. However, the projects are still confronting the major problem: to find proper land to the thousands of families still left to be rehabilitated. It is a problem which, according to local and international NGOs is unsolvable, as possibilities for proper compensations are non-existent. There is neither land nor forest available for land or forest lost.

The reservoirs of the two large projects, the Sardar Sarovar and the Narmada Sagar, will submerge 130 000 hectares of land (40 000 and 90 000 each) of which over 51 000 hectares is forest.

In addition to the displacements caused by the reservoirs, a large number of indigenous Adivasis will be displaced by the 450 km canal across Gujarat and its 40 000 km of branch canals. The oustees to be displaced from these areas have been left out of the compensation scheme, as have those to be displaced from the lands due to the resettlement scheme, when agricultural lands are purchased for the original oustees.

Afforestation, supposed to cover an area similar to the forested areas submerged by the reservoir, will further aggravate the land problems of the indigenous Adivasis affected by the hydro-electric projects. Oustees to be evicted from the afforested areas have similarly been left out of the compensation scheme.

Human rights violations have continued in the states of Maharashtra and Bihar during 1989, as documented by Amnesty International. Most victims of human rights abuses in Bihar belong to the scheduled castes and scheduled tribes, and the reports document cases of rape, torture and denial of medical treatment of tribal people held in police custody. In several of the cases, the victims are reported to have died after torture, while in prison.

1989 has been an extremely violent year in **Sri Lanka**. The fighting between the government and nationalist Sinhalese guerrilla forces has escalated during the year, in the southern part of the country. According to a

recent report from Amnesty International (AI), an estimated 1 000 people had been killed each month by September, after the reimposition of a state of emergency in June 1989 in the southern parts of Sri Lanka. Most of the victims are unarmed innocent civilians on both sides of the conflict, killed by security forces, vigilante death squads and the clandestine paramilitary groups formed by the militant Sinhala nationalist organisation JVP (Peoples Liberation Front). Both sides are using the tactics of criminal violence, openly displaying mutilated bodies of victims to instill terror in others. Even two lawyers who sought redress in the courts for victims of alleged human rights violations in the south, were killed during 1989, presumably to intimidate lawyers from filing *habeas corpus* petitions.

In the north of Sri Lanka, too, human rights activists have been threatened and killed.

The Indian Peace Keeping Forces (IPKF) in the north are charged by AI (Amnesty International) for the rising incidence of extrajudicial executions, and reprisal killings by the IPKF of suspected sympathizers of the Liberation Tigers of Tamil Eelam (LTTE), which is opposing the Indian presence.

In June, the IPKF deliberately killed 8 or 9 Tamil civilians who were seeking refuge at a local temple. Following the massacre, the IPKF reportedly set fire to the houses in the village, and threw the bodies of the victims into the burning houses.

In 2-4 August, the worst atrocities of the year occurred in the town of Valvettiturai, when the Indian Peace Keeping Forces killed 46 people in reprisal for the killing of 6 of their colleagues by the LTTE. According to the accounts from surviving eyewitnesses and reports from independent observers received by A I, the Tamil victims of the Valvettituari massacre were defenseless civilians, deliberately killed by the IPKF soldiers. The IPKF cordoned off the town for two and a half days, denying access to medical personel who attempted to reach the injured.

According to A I, some Tamil groups allied with the IPKF have reportedly abducted and forcibly detained thousands of young Tamil men and some women, who are conscribed for forced participation in a new defence force, trained by members of IPKF in anticipation of the Indian withdrawal.

In mid-September 1989, an agreement between the Sri Lankan and Indian government was reached, for IPKF withdrawal by end of 1989, provided that arrangements had been made for the safety of the Tamil community in the north-east. Fighting between the IPKF and the LTTE have nevertheless continued since.

In the hill country of the south and central highlands of Sri Lanka, robbery and rapes carried out by armed men in unmarked uniforms, have accentuated fears of widespread violence against Plantation Tamils of Indian origin. Tension in the hill country was heightened when two Tamil workers, according to the Sri Lanka Monitor, were shot dead in mid-June.

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800 000 Tea Plantation Tamils will be given voting rights according to the Parliament (April 1989). Photo from IWGIA archives.

For over forty years, Plantation Tamils, the descendants of South Indian indentured labourers, have struggled for citizenship and improved living and working conditions on Sri Lanka's tea and rubber estates.

According to a new Act of Parliament introduced in April 1989, the majority of Sri Lanka's 800 000 Plantation Tamils will be given voting rights on application for the first time.

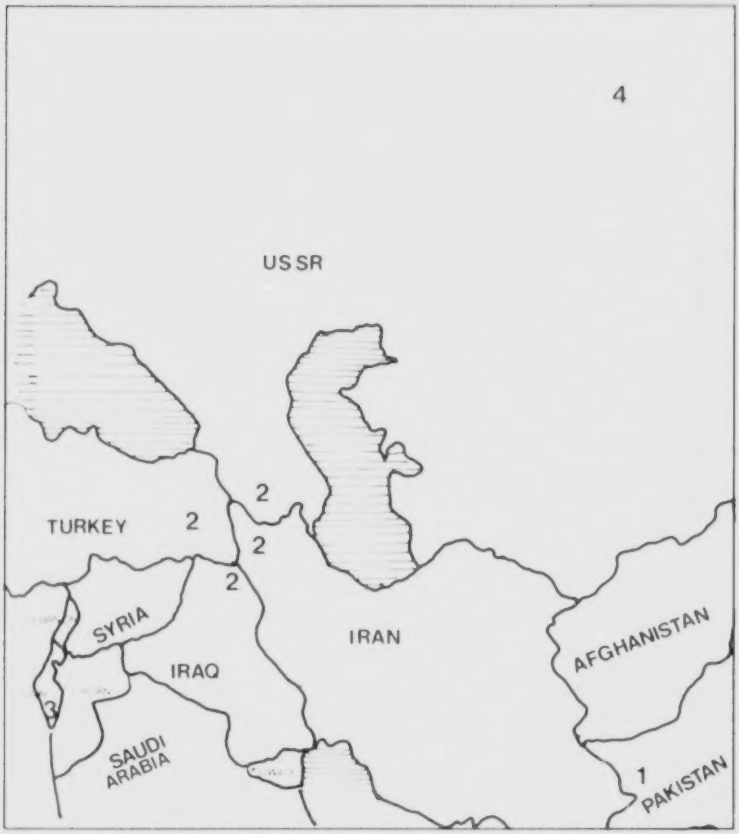
The living conditions of the Plantation Tamils have changed little in the past two years, with three to four generations of families still living in barracks-like "line rooms" on the tea estates, the last stronghold of Sri Lanka's colonial plantation economy. The landless Plantation Tamils work as day-work labourers often denied a full working week, earning less than half the national average and their health and education provisions sub-standard.

On the plantations, where most of the Tamil workers remain landless, Sinhalese colonisation is becoming an increasingly explosive issue.

In February, the Government introduced a land redistribution scheme in the hill country. In Nuwara Eliya District alone, 56 tea estates have been earmarked for land redistribution, involving 1 800 hectares. The proposal is part of a larger colonisation project, in which the government is encouraging the settling of landless Sinhalese peasants in traditional Tamil areas. Trade unions have strongly condemned the proposals, and have called for a workers' revolt.

Sources: Amnesty International, IPS reports, *Political and Economical Weekly* (India), *The Sri Lanka Monitor* (by the British Refugee Council), Survival International.

Map of West and Central Asia



Population:

Minorities in the Soviet Union: 22 million

Kurds, Palestinians and other West Asian peoples: 12 million

1. *Baluchis*
2. *Kurds*
3. *Palestinians/Occupied Territories*
4. *Khants*

At the time of the *coup d'etat* in 1978 the population of **Afghanistan** was estimated to be around 15.5 million. The intervening years of political repression, popular resistance and the Soviet military intervention between December 1979 and February 1989, have resulted in an estimated one million dead and in major population shifts and dislocations. About three million Afghans are currently refugees in Pakistan, and more than a million have fled to Iran. In addition, an estimated two million people have been internally displaced as refugees inside the country (UNOCA, 1989). One of the results of the war and the population shifts has been a dramatic change in the overall political context of inter-ethnic relations in Afghanistan.

The population of Afghanistan comprises a wide variety of ethnic groups. They differ from each other in terms of both language and way of life, and while 99 % are Muslims, they adhere to different interpretations of Islam (see Anderson & Strand 1978; Dupree, 1980; Orywal, 1986; and Weekes,1978 for details). Afghanistan is situated in a transition zone between Central, South and West Asia, and the cultural diversity of the groups which inhabit the country exhibit historical influences and spatial continuities with these three areas. Nearly all of the different ethnic groups in Afghanistan are also living across its borders in one or the other of the neighbouring countries of Pakistan, Iran and the Soviet Union.

The *Pakhtun*, who live mainly in eastern and southern Afghanistan, are the largest ethnic group in the country, and constitute about 40% of the population. Altogether they number between 12 and 14 million, and roughly half of them live across the border in the neighbouring areas of Pakistan. The second largest group in Afghanistan are the Persian-speaking *Tajik*, who number about 2 million. They are settled in the mountainous regions of the north-east, and are related to the Tajik population in the Soviet Union. Further to the west on the Turkestan plains between the Hindu Kush and the border with the Soviet Union are about 1 million *Uzbek* and *Turkoman*. They, too, are settled across the border in Soviet Central Asia, and many are in fact the descendants of refugees from Tsarist or Soviet rule.

In western Afghanistan along the border with Iran are about one million *Farsiwan*, who constitute an extension of the principal ethnic group of Iran. In the deserts of southern Afghanistan are some 100 000 *Baluch*, who are living in the adjacent areas of Pakistan and Iran. In the central highlands af Afghanistan are the *Hazara*, who number around 1 million, and further west, there is roughly an equal number of *Aimaq*.

All of these groups speak languages which are either of Iranian (Indo-European) or Turkic (Uralic-Altaic) origin. The *Pakhto* or *Pashto* spoken by the Pakhtun is an Iranian language, as is the *Baluchi* of the Baluch, and

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Baluchi watchmen.Photo: Maria Levent. (IWGIA archives).

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the various dialects of Persian spoken by the Farsiwan, Tajik, Hazara and Aimaq. In contrast, both Uzbek and Türkoman speak Türkic languages. In addition smaller minority groups like the *Nuristani* and *Pashai* in the eastern Hindu Kush speak various Indo-European languages, which are quite distinct from either Pakhto or Persian.

Nearly all of the Pakhtun are Sunni Muslims, as are the Uzbek, Türkoman, Aimaq, Baluch, Nuristani, Pashai and most Tajik. Two versions of Shi'a Islam are found in Afghanistan. One is the Imami Shi'a Islam, which is dominant in Iran, and which all Farsiwan and most Hazara follow. The other version - Ismaili Shi'a Islam – has followers among some Hazara and some Tajik as well.

The *Pakhtun* comprise not only the largest ethnic group in Afghanistan, but also the most dominant. This position of the Pakhtun dates back to the formation of a Pakhtun monarchy in the mid-eighteenth century. However, it was only from the end of the nineteenth century and onwards, that the Pakhtun emerged as dominant in relation to the other ethnic groups within the country.

During this period, Afghanistan obtained its present borders, and the ruler Amir Abdur Rahman (1880 – 1901) undertook a policy of forcible extension and consolidation of state power throughout the country. Regions previously beyond the control of the Kabul government such as Hazarjat, Türkestan and Nuristan were incorporated into the realm, and various Pakhtun tribes who had formerly possessed a very large measure of independence were also brought under increasing state control.

Although many Pakhtun tribal groups had resisted the extension of state control, the Pakhtun as an ethnic group were nevertheless main beneficiaries of the whole process. It enabled them to expand outside their traditional settlement areas in the east and south and acquire land elsewhere, and they also emerged as dominant within the bureaucracy and army. As a result, the policies of nation-building pursued by the central government since then, has appeared to the members of other ethnic groups as a process of increasing "pakhtunisation", where non-Pakhtun were not able to compete on equal terms with the Pakhtun. The *coup d'etat* in 1978 did not change this, since the People's Democratic Party of Afghanistan were also dominated by Pakhtun, who have supplied the four heads of state since the coup.

The popular rebellion against the new regime, which began as early as the summer and autumn of 1978, were spontaneous local responses to arrogant and coercive state interference in local matters, rather than a reaction to the reforms announced by the regime. Such rebellions and the subsequent popular resistance against the Soviet forces of occupation have involved sections from all ethnic groups in the country. Although the ethnic policies pursued by the new regime through the Ministry of Tribes and Na-

tionalities sought to accommodate non-Pakhtun ethnic groups by such means as publications and broadcasts in their own languages, this apparently had little or no effect on the extent of their opposition to the regime.

Today the administration of the Kabul regime is totally absent in most of the rural areas, and about 80% of the country is estimated to be under resistance control. This control, however, is highly localised and politically fragmented, especially among the Pakhtun. To the extent that the resistance has established organisational structures providing coordination on a provincial level or beyond, such structures have only been accepted by members of specific ethnic groups such as Tajik in the north-east, or the Hazara in the central highlands. The so-called Interim Government of the seven Sunni Muslim resistance parties based in Pakistan has so far not managed to establish any integrating organisational frameworks on a similar level inside Afghanistan.

The exodus of refugees have affected the various ethnic groups to a different extent. The overwhelming majority of the refugees in Pakistan are Pakhtun, who constitute about 85% of the refugee population. Most of them come from eastern and southern Afghanistan, but many Pakhtun have also come from the provinces in the north, where they had settled since the end of the last century. In contrast, the Tajik, Uzbek, Turkoman and Hazara, who before the war constituted about 50% of the population, only make up about 8% of the refugees in Pakistan (UNOCA, 1988).

One significant result of the resistance struggle has therefore been the termination of Pakhtun dominance on the national level, and a revival of autonomy for the other ethnic groups. At the same time, the Pakhtun presence as minority land-owning groups in the areas where the majority was non-Pakhtun has drastically declined, and judging from what has already happened elsewhere, it is far from certain that they will be allowed to return and take possession of their land again.

That the non-Pakhtun ethnic groups will strive to maintain their newly won autonomy vis-a-vis the Pakhtun in the future is beyond doubt. They consider this their legitimate reward for the sacrifices they have made in the resistance struggle. Whether the Pakhtun will accept that Afghanistan is no longer primarily the land of the Afghans (Afghan means Pakhtun), but that they will have to share power to a much larger extent than previously with other ethnic groups, remains to be seen. Whatever the outcome, it is likely to be a long, difficult and probably also violent process before a new fragile balance is achieved between the aspirations and power of the different ethnic groups in Afghanistan.

Sources: Anderson,J & R. Strand (eds). *Ethnic Processes and Intergroup Relations in Contemporary Afghanistan.* Occasional Paper no. 15. Afgh. Council of the Asia Society, New York, 1978; Dupree, L. *Afghanistan.*

Princeton, 1980;Orywall, E. (ed). *Die Ethnischen Gruppen Afghanistans*. Wiesbaden, 1986; UNOCA. *First Consolidated Report*. Office of the UN Co-ordinator for humanitarian and economic assistance programmes relating to Afghanistan. Geneva,1988; UNOCA. *Second Consolidated Report*. Office of the UN Co-ordinator for humanitarian and economic assistance programmes relating to Afghanistan. Geneva, 1989; Weekes. R.V. (ed). *Muslim Peoples: A World Ethnographic Survey*. Westport, Connecticut, 1978.

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Map of Saamiland

Saami population: 80,000

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The most significant event in **Saamiland** in 1989 was the establishment of a national Saami assembly, called the Saami Parliament, in **Norway**. The establishment of the Parliament implies the recognition of the right of the Saami as a people. Following several years of negotiations between Saami representatives and the Norwegian government, the first election to the Saami Parliament took place coincidently with general parliamentary elections in Norway. Thus, all Saami should vote both in elections for the Norwegian Legislative Assembly, as well as to the advisory Saami Parliament.

Only Saami people who have registered as Saami, can vote and be elected to the Saami Parliament. To be recognised as Saami, a person must speak Saami, or have a father or mother (or one of the grandparents) who speaks Saami.

To be registered in the Saami census is a matter of one's own choice. The Saami are a majority only in a few municipalities in northernmost Norway, but it is estimated that about 40 000 Saami live in the whole country. Of these, 5 485 registered as Saami in 1989, and 4 158 or 75.8% voted during elections to the Saami parliament. This rather low number of registrations are explained by several factors:

First of all, one of the three main Saami organizations was against the establishment of a Saami National Assembly based on a Saami census, and therefore boycotted the election.

Furthermore, decades of cultural suppression has led many Saami to reject their ethnic identity. However, after the enrolment expired on 1 May (the election took place in early autumn) and following the *de facto* establishment of the Saami Parliament, some observers have noticed an increasing interest among non-registered Saami to become part of the process.

The Saami Parliament deals with all matters relating to the Saami people. Its status is that of an advisory body, but The Saami Act opens up the possibility of it being authorised with (non-specified) decision-making power in the future. Much of the criticism against the Saami Parliament has been directed against its consultative status. The 39 members of the Saami Parliament can discuss all matters of relevance to the Saami people.

Although most Saami live in Finnmark in northern Norway, Saami in the whole country can vote in one of the specially established 13 constituencies. The first Saami Parliament, which was opened officially by the Norwegian King last October 9th, was dominated by one of the national Saami organisations, NSR (Norske Samers Riksforbund), which holds 19 of the total of 39 seats. The first elected chairman was Ole Henrik Magga from NSR. Besides the Saami organisations, the political parties also nominated their own candidates, and the strongest of these was the Labour Party from which 7 delegates were elected.

Like in Norway, the Saami in **Finland** have for many years had an advisory Saami Parliament. In **Sweden** a government report on Saami rights recommended in 1989 the establishment of a Saami Parliament similar to the Saami parliament in Norway. Thus, the forthcoming Swedish Sameting will be invested with no constitutional power. The report recommends an advisory council, elected by all registered Saami within Sweden. The first election is expected to take place in 1991.

The Swedish report deals specifically with the reindeer-herding rights of the Saami population (15 000-20 000), about 15% of which are reindeer-herding people. The report concludes that the reindeer-herding rights of the Saami are based on immemorial prescription, that all Saami enjoy the right of reindeer herding, and that the right of reindeer herding is a special right attached to real property (usufructuary rights). Saami spokesmen have specifically criticised that no decision-making power and no veto right is given the Saami parliament in matters which relate to Saami rights to land and water.

The establishment of Saami parliaments in Finland, Norway and Sweden presents new possibilities, but also new challenges for the Saami people. The idea of a united Saami Parliament across state boundaries, as envisaged by the delegates from the three countries to the Nordic Saami Council Conference (with appointed Saami delegates from the respective countries) in 1986 has not been forgotten.

During the 14th Nordic Sami Council Meeting, Leif Halonen addresses the 14th Sami Council held at Lakselv. Photo: Claus Dueskov.

At this year's Nordic Saami Council Conference, Saami from the **Soviet Union** participated for the first time. Until recently it has been very difficult for Saami in Norway, Sweden and Finland to maintain mutual contact across the border with Saami in the Soviet Union. As mentioned elsewhere in this Yearbook, Saami in the Soviet Union have created their own ethnic organisation in 1989. The traditional occupation among Saami in this country is reindeer herding, but like their ethnic relatives in Scandinavia more and more people have to rely on other sources to make a living.

Sources: SOU 1989:41, 'Valg av sameting – valgregler m.m., Samefolket.

NB: There will be a meeting to be held in the Kremlin in Moscow on 30-31 March 1990 to establish an organization for the 26 indigenous communities of Russia, otherwise known as the "Small Peoples of the Soviet North". Under the section on Indigenous Focus Jens Dahl has written an article entitled "Indigenous Peoples of the Soviet Union."

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Map of Africa

North African nomadic peoples: 8 million
East African nomadic peoples: 6 millones
Pygmies: 200,000
San (Basarwa/Bushmen): 100,000

1. *Sahrawi*
2. *Mauritania*
3. *Shilluk/Nuer/Dinka/Mandara*
4. *Oromo*
5. *Anuak*
6. *Eritrea and Tigray*
7. *Issaq*
8. *Maasai*
9. *Barabaig*
10. *Mbuti (Pygmy)*
11. *Hutu/Tutsi*
12. *San (Basarwa, Ju/Wasi, Bushmen)*

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NORTHERN AFRICA

The fate of the *Sahrawi* and other nomadic groups of Western Sahara is too easily forgotten. Following the Moroccan King's direct talks with the Polisario Front (Frente Popular para la Liberación de Saguia el Hamra y Río de Oro) in January 1989, there was hope that the long-lasting conflict in the Western Sahara would be resolved in a short period of time. The hope vanished after several important developments during the year. Morocco's refusal to implement the United Nations referendum on Western Sahara and its refusal to negotiate with the Polisario (in September) has led to disillusionment and a renewal of the fighting over the territory. Between 170 000 and 185 000 refugees are still living in camps in Algeria.

While the Sahrawi Arab Democratic Republic (SADR) (declared in 1976) is recognised by many Third World states, the former Spanish colony is continuing its fight for independence. While the armed resistance itself started in 1967, the Polisario has been fighting the Moroccan Armed Forces since 1975. Recent defections to Morocco of leading Polisario members and discussions during the Polisario congress in April suggest that there are serious divisions within the front along ethnic lines.

Sources: New African, Refugees, Africa Confidential.

WEST AFRICA

Some West African countries exemplify important dimensions which are typical of the whole Sahel zone: Senegal, Mauritania, Mali, Niger, Burkina Faso, Chad, Sudan, Ethiopia, Somalia, Djibouti. Widespread drought and famine, dislocation of food supplies through civil strife, plagues of locusts, extensive livestock overgrazing, emergency food aid programmes – these headlines from the Sahel during the 1980's have helped create an impression of an agricultural and pastoral production system under extreme pressure and in the process of degeneration. The local pastoralists and agriculturalists are often blamed to be the primary cause of the problem. But the popular image of Sahel rangelands as verging on collapse from drought and overgrazing is not borne out by the data. Closer studies of the realities of the Sahel have begun to demolish some cherished myths about this region with regard to rainfall, food production, population growth and pastoralism.

However, several populations of the region have experienced complex processes of economical and political marginalisation. While the inner Niger delta in **Mali**, for example, still has a sophisticated and extremely varied traditional set of rules for regulating land use, the organisation of the pastoral economy and its relationship to the agricultural and riverine econo-

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my, the system is slowly eroding. There is increased cultivation of pastures and along transhumance routes, a decrease in respect for traditional rules, governmental denial of legitimacy to these traditional systems, an influx of official and western NGO development projects and an increasing privatisation of some resources. Several ethnic groups lost control over their basic resources after the droughts in 1973-74 and 1984-86. Groups like the pastoral *Tamacheq* (Tuareg), the*Peul* (Fulani), cultivators like the *Songhai*, and river people like the *Bozo* are increasingly competing for scarce resources, making the need for land rights and land tenure studies more acute than ever.

Sources: IUCN Sahel Studies, *Africa Confidential.*

THE HORN OF AFRICA

In **Ethiopia** the regime of Colonel Mengistu Haile Mariam is faced by some half a dozen ethnic liberation movements. The abortive *coup d'état* in May was led by army officers who wanted to negotiate an end to the wars. The military situation in **Eritrea** remained more or less unchanged after

Ethiopian refugees at a camp in Wad Kowli. Photo: ILO

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the successful offensives by the EPLF (Eritrean People's Liberation Front) in 1987/88. The Ethiopian Army is still holding several important towns and areas in Eritrea. In September and November the EPLF and the Ethiopian government participated in negotiations in Atlanta, USA and in Nairobi, Kenya headed by the former US President Jimmy Carter. The negotiations are regarded as a great diplomatic and political victory for the EPLF, who are fighting for independence from Ethiopia. Eritrea was never part of the original Ethiopian empire. This former Italian colony was forcibly absorbed into Ethiopia just when everyone else was winning freedom in the European retreat from Africa.

In 1989 the Ethiopian junta faced a more serious military threat in **Tigray**. The TPLF (Tigray People's Liberation Front) had by March, in cooperation with the EPDM (Ethiopian People's Democratic Movement), taken military control over the whole of the Tigray and parts of the Amhara-dominated provinces of Gonder, Wollo and Shoa – the very ethnic powerbase of Colonel Mengistu. The liberation forces have carried out hit-and-run operations to within less than a hundred miles from the capital. In November negotiations started in Rome. The TPLF is not seeking secession, but fundamental reforms of a kind that encourages a multi-national commonwealth. That is why the TPLF sponsored the establishment of the newly born Ethiopian People's Revolutionary Democratic Front (EPRDF). This organisation is mainly composed of *Amharans*, and is supposed to defend and administer the Amharan heartlands which the TPLF recently liberated.

Less is known about the activities of the OLF (Oromo Liberation Front). The *Oromos* account for about half of Ethiopia's total population of some 47 million. For a long time the OLF has controlled areas bordering Sudan (in the provinces of Hararge, Arussi, Bass Arussi, Bale) in the west, and Somalia in the east (Ogaden). In 1989 the OLF drove Ethiopian forces out of the Asosa region in the western province of Wallagga. Like the EPLF, the OLF regards the TPLF pan-Ethiopianism plan with a multi-ethnic/multi-national commonwealth as utopian. If Eritrea secedes, Ethiopia will be diminished, while if the Oromos go for independence, it will be destroyed. The Ethiopian junta is facing a political and economic collapse, but the remaining hard question is what will happen to the decolonisation process after the fall of Mengistu as the liberation movements cannot agree on the long-term reconstruction to follow.

At the end of the year, the Eritrean Relief Association (ERA) feared that 1.9 million people were threatened by drought and hunger in Eritrea. ERA and international relief agencies started preparations for large-scale relief operations. The ongoing war and decades of difficulties for the development of agriculture and pastoralism coupled with lack of rainfall have created a serious situation. The REST (Relief Society of Tigray) also

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presented reports on drastic reduction in rains and a severe fall in production. Aid workers have put the number of people in Tigray at risk from starvation at 2.2 million. The technical and political problems facing relief operations in Eritrea, Tigray and government-controlled zones in Ethiopia are immense. Both sides in the war are accused of using the famine as a weapon in the long-lasting conflict.

In **Sudan** the civil war between northerners and southerners has been in progress with varying degrees of intensity for the greater part of the three decades which have passed since the country achieved independence in 1956. Like other wars, it has brought about tremendous suffering and destruction, particularly in southern Sudan. Over the last few years, there have been many attempts to stop the civil war in the Sudan. It has been increasingly accepted that neither of the warring factions can impose its will on the other by military means; nor is separatism on anybody's agenda.

The peace efforts were once again thwarted and frustrated by the military coup in Sudan in June. The prospects for a peaceful solution are further away than ever as the largely Muslim government in Khartoum, with its intention to impose Muslim law (sharia), prevents the SPLA (Sudanese People's Liberation Army) in the south to partake in negotiations. The SPLA made major military advances in 1989, controlling an area as large as Uganda. The SPLA has started setting up an administration in the areas they now control. The SPLA does not hold unconditional support in the

Sudanese from drought-stricken areas gather at the feeding centre of El Mahla. Photo: ILO.

south. There is widespread scepticism toward the *Dinka* (the largest ethnic group in the south) domination of the SPLA. Some anticipate an SPLA victory as Dinka occupation rather than as liberation.

From the southern Sudan it is reported that child slavery is enjoying a resurgence, owing to the civil war and insecurity. The Bar El Arab River divides the southern Sudan into two zones. To the north of the river live the predominantly Muslim *Baggara* Arabs, while south of it are the mainly Christian and animist Dinka. The Khartoum government is said to use armed Baggara militia in order to destabilise and cut off local support to the SPLA. Raids after cattle and labour, and competition over crucial resources have a long history in the area. Dinka children are even today either being captured in militia raids, or pawned by destitute parents. Not only militia members, but also government officials are being accused of turning a blind eye to the ongoing trade.

As a result of the drought, famine, floods, persecution, war and civil conflict on the Horn of Africa, the refugee situation is alarming. Between mid-1988 and mid-1989, the number of Sudanese refugees in south Ethiopia rose by 70 000 to some 365 000. Beginning in 1988 some 300 000 Somali refugees entered eastern Ethiopia; in 1989 the total was 325 000. The UN High Commissioner for Refugees recognizes 745 000 refugees in Sudan, 679 500 in Ethiopia and 834 000 in Somalia. Furthermore a substantial number have become refugees within their own countries and some of the other neighbouring countries.

Sources: Africa Confidential, The Christian Science Monitor, IPS reports, *Klassekampen, Panoscope, Refugees*, Centre For Development Studies, University of Bergen; *Biennial Report 1988/89*, Norwegian People's Aid.

EAST AFRICA

In December 1988, the participants at an East African Pastoral Land Tenure Workshop in Arusha, **Tanzania**, agreed *inter alia* to set up an Interim Pastoral Committee whose task it is to establish an umbrella organization in East Africa for pastoralists to better represent their interests on land-related issues, and negotiate with developers at home and abroad for a better deal to sustain a pastoral existence. East African pastoralists share a common problem of land loss and the undermining of their systems of production. Participants at the Arusha workshop agreed on a specific programme of actions and support functions to be carried out by an organization such as the International Institute for Environment and Development (IIED) in London. These include:

Maasai family. Pastorals in Africa are setting up a Committee to establish an umbrella organization to take care of their interests. Photo: IWGIA archives.

1) supporting pastoralists build up their access to information for use when contesting alienation of their pasture land;
2) identifying those people able to assist them in the preparation of summaries of land law, reconciling customary land tenure arrangements with current statutory provisions, and wherever possible arranging for translation of summaries of such texts into local pastoral languages;
3) seeking ways by which pastoralists may register title to land thus protecting it from further risk of alienation;
4) assisting with exchange visits between pastoral groups to enable them to learn from each other's experience;
5) supporting the process by which East African pastoralists might form an umbrella organization to better represent their interests on land-related issues.

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The *Barabaig* in **Tanzania**, a pastoral group of some 30 000 people, are continuing their strugggle over grazing resources and title to land against the National Agricultural and Food Cooperation (NAFCO). With the help of the Legal Aid Committee (LAC) at the university of Dar es Salaam the Barabaig are preparing a new court case against NAFCO for continuing to harass their people. The case will be heard in the High Court probably in May 1990. The background to the conflict, in brief, is this: In the Barabaig area extensive acreage has been expropriated for commercial wheat production. Many Barabaig families have been driven off the land by force and without compensation. The Canadian Aid Agency (CIDA) has supported extensive wheat production in Tanzania since 1968. The Tanzania-Canada Wheat Programme is, in fact, one of the biggest bilateral aid schemes in the country. Approximately 269 sq.km. of former Barabaig pasture land has been expropriated for large-scale wheat production so far.

After war broke out in northern **Somalia** in May 1988 between government forces and the Somali National Movement (SNM), military assistance, and later substantial amounts of economic aid, were suspended by the U.S. and by the United Kingdom, in light of the evidence that the government was engaged in a campaign of terror against the *Issaqs*, one of the principal branches of the Somali nation. The number of refugees into Ethiopia from Issaq-dominated areas continued to increase during 1989. Presently, they count as many as 450 000 people. They are reported to live under very precarious conditions. In January 1989 the Somali Government initiated a Reform Programme. Among other things the government established a committee in order to investigate the origins of the "trouble in the north, evaluate the damage and seek solutions". The report from the committee had by September not been issued. The single most important and concrete step the government has taken, has been an amnesty under which some 300 political prisoners were released between February and June. The bloody clashes between the armed forces and civilians in Mogadishu in mid-July, after the assassination of the Roman Catholic Archbishop, Salvatore Colombo, was a set-back for the amnesty programme as a sign of progress towards general human rights improvements. On 14 July, the army fired on civilians filing out of mosques. Within four days, soldiers and security officials killed at least 450 people, wounded over 1 000 and arrested about 2 000 people. Many of these were *Issaqs*. The Issaqs all over Somalia feel persecuted and their position to be insecure. Not only political activists and "intellectuals" have been forced to leave the country, even the nomads have deserted their land. Only a minority of them have ventured to return back with their livestock herds.

In November the Security Forces in **Kenya** returned Somalian refugees in the Liboi camp to Somalia against their will. When a group of 60 refugees were deported in September, 18 were reported to have been execut-

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ed immediately. The fate of the remaining refugees in Somalia is not known. The Somali National Movement (SNM) has protested against the Kenyan practice that only ethnic Somalians have to be examined in order to find out if they are really citizens of Kenya. The Kenyan government has stopped using expatriate aid workers in its northeastern province – probably due to the fact that foreigners exposed the Degodia massacre on ethnic Somalians in Kenya in 1984 (IWGIA Newsletter 37/1984) to the international community.

Sources: Africa Watch, Informationen, Klassekampen, Lane, C. "Land for Pastoralists. Sustainable development on the drylands." IIED, London.

CENTRAL AFRICA

After the massacres in August 1988 in **Burundi** of thousands of *Hutu* by the dominant *Tutsi* (figures on the death toll vary between 5 000 and 20 000) and forcing more than 48 000 to flee to neighbouring Rwanda and Zaire, the government has, in cooperation with UNESCO and the University of Burundi, arranged a seminar on human rights signalling the government's intention to respect human rights and to extend legal protection to all citizens. Most of the refugees from 1988 have now returned to their homes. President Buyoya has made some progress in diminishing Burundi's ethnic stress. Yet, the Hutu call the government's denial of oppression of the Hutu as "politics of camouflage". It remains to be seen if a lasting peace between the Tutsi and Hutu can be built in Burundi.

The 200 000 Pygmies in Central Africa face continuing pressure from economic interests, government agencies and neighbouring peoples. In the Sangha region of the **Congo** Republic some 4 000 Pygmies are seriously threatened by forestry operations run by an Algerian-Congolese company in a 850 000 ha. concession area located along the Cameroonian border. As is usual for other Pygmy groups, their traditional land tenure practices are not given formal recognition in national forest or land laws. Furthermore, there are no legal provisions or procedure for compensating them when forestry development encroaches on their traditional lands. The Pygmies in the area are already significantly affected by earlier forestry operations, road building, permanent settlements and conversion of forests to agricultural land. The forests have been reduced and the environment altered with implications for the social and economic living conditions of the Pygmies. An environmental assessment study is being planned by the African Development Bank.

Sources: Amnesty International Report, 1989, Jeune Afrique, material from ADB, reports to IWGIA.

In **Malawi** the February protests against the victimization of northerners, that began two decades ago, led to a brutal clamp down on northerners. The protests were triggered by a new student selection system based on quotas which will inevitably lead to the exclusion of many qualified northerners. A similar discriminatory system has been in operation for 15 years for entrance to secondary school. In the southern and central regions of the country, *Nyanja*-speaking groups dominate. In recent years, northerners in Malawi have experienced arrests, killings, detention and other kinds of persecution. On the economic front, the government of President-for-life Hastings Bandahas has deliberately starved the north of development by concentrating all economic projects in the south and central regions. It is, therefore, very difficult for northerners to find jobs in the south or central regions. Northerners are not only subject to physical harassments and discrimination, their language *chitumbuka* has been banned in all government and private institutions.

As **Namibia** approached independence, the new state's human rights record will be judged on how it treats its minority populations. Here we find a situation where historic conflicts between minority groups and more dominant sectors in the traditional society, have been utilized by the South Africans in a divide-and-rule strategy. Two such examples are the *Himbas* and the more well known Bushmen. The Himbas are a semi-nomadic pastoral people in northwestern Namibia, close to the border to Angola. After having led an independent life for centuries, they experienced a dramatic change in their situation during the drought in the start of the 1980s. They were also caught in the middle of the 23-year long war between the South African Defence Forces (SADF) and the liberation movement SWAPO (South West Africa People's Organization). As the Himba lost more than 130 000 animals in the drought, the SADF recruited young Himba men for their war against the liberation forces. The relation between the independent government of Namibia and minority groups like the Himba will not be easy. SWAPO has expressed that they will approach the question with great care.

The Bushmen (the *San*) have been subject to a similar situation. In Namibia there are at most some 30 000 of them today. They were possibly the most heavily militarised society in the world with about 40 % of its population -soldiers and their dependents- linked to the SADF and its war against SWAPO. Their involvement with the South African Army started after they had lost land, work opportunities and had experienced a serious depletion of game in the beginning of the 1970s. The wages and hand-outs of the army enabled some 12 000 Bushmen, male and female, to survive in a harsh environment. The SADF had Bushmen military camps in northern

Namibia as well as in the Caprivi Strip. Some of the Bushmen trackers and soldiers were imported by the South Africans from Angola, after the Portuguese left them behind as their colony was liberated.

In **Botswana** some 1 000 *San* were forced to abandon the Central Kalahari Game Reserve owing to a conflict between conservationist strategies, tourism, development and the rights of the *Basarwa* ("bushmen") hunter-gatherers as reported in IWGIA Newsletter 58/1989. In northeastern Botswana, the situation for the *Tyua* ("river bushmen") of the Tyua and Nata River region experience like other Basarwa groups in the country, problems with recognition of their land rights under customary or common law, as IWGIA reported in Newsletter 57/1989.

Sources: Anti-Slavery Newsletter, Afrikabulletinen, New African, R. Lee, "From foragers to fighter : South Africa's militarization of the Namibian San" in E. Leacock & R. Lee: Politics and History in Band Societies; *IWGIA Newsletter* nos.57 & 58:1989; reports to IWGIA.

San woman. In 1989 1000 San were forced off their Kalahari reserves.

Indigenous Rights

First revised text of the Draft Universal Declaration on Rights of Indigenous Peoples

Introduction

1. At its fortieth session, the Sub-Commission expressed its appreciation to Mrs. Erica-Irene Daes for the working paper (E/CN. 4/Sub.2/1988/25) prepared at the request of the Economic and Social Council in its resolution 1988/36. This document contains a full set of principles and preambular paragraphs for insertion in a draft declaration, for consideration by the Working Group and which may be adopted by the General Assembly.
2. In this connection, the Sub-Commission adopted resolution 1988/18 entitled "Draft universal declaration on indigenous rights", by which, *inter alia*, it expressed its appreciation to the Working Group on Indigenous Populations and to its Chairman-Rapporteur, Mrs. Erica-Irene Daes, for the progress made at its sixth session in carrying out its mandate, with particular reference to her thorough and useful working paper and recommended that the Chairman-Rapporteur be entrusted with the task of preparing a first revised text of the draft declaration based on comments made at the sixth session of the Working Group and on written observations and suggestions received from Governments, indigenous peoples, intergovernmental and non-governmental organizations.
3. For this purpose, the Sub-Commission, in the same resolution, requested the Secretary-General to transmit the Working Group's report to Governments, indigenous peoples, intergovernmental and non-governmental organizations for specific comments and proposals for the further elaboration of the text now contained in annex II to the aforesaid report (E/CN. 4/Sub.2/1988/24).
4. The Commission on Human Rights, in its resolution 1989/34, expressed its determination to do everything possible to promote the enjoyment of the rights of indigenous populations, and endorsed the aforementioned recommendations. It also welcomed the decision of the Sub-Commission to continue to entrust to the Chairman-Rapporteur of the Working Group the further development of the draft declaration on indigenous rights within the framework contained in her working paper, taking into consideration, *inter alia*, the comments on the draft declaration which would be provided by Governments, indigenous organizations and communities and other interested parties in accordance with the relevant resolution of the Sub-Commission.

5. Pursuant to the said request of the Sub-Commission, the Secretary-General transmitted the report of the Working Group by a note verbale dated 13 December 1988 to Governments, and by a letter of the same date, to indigenous peoples, intergovernmental and non-governmental organizations, inviting their comments and proposals on the text contained in annex II to the above-mentioned report.
6. By 1 June 1989, substantive comments and proposals had been received from the Governments of Australia, Byelorussian Soviet Socialist Republic, Burma, Canada, Czechoslovakia, Finland, Panama, Romania, Sweden and Venezuela.
7. Observations and proposals had also been recieved from the United Nations Centre on Transnational Corporations, the Economic Commission for Latin America and the Carribbean, the International Labour Office, the United Nations Educational, Scientific and Cultural Organization, and the Food and Agriculture Organization of the United Nations.
8. The following non-governmental organizations submitted comments and suggestions regarding the text: Assembly of First Nation, Four Directions Council, Indian Law Resource Center, Inuit Circumpolar Conference, National Indian Youth Council, Regional Council on Human Rights in Asia, Stichting Plurale Samenlevingen, Survival International, World Council of Indigenous Peoples.
9. Replies received from Governments, United Nations organs, specialized agencies, other intergovernmental and non-governmental organizations, will be collected in an analytical compilation to be issued as an addendum to this document.

I. Approach to the task

10. Sub-commission resolution 1988/18 mandated the Chairman-Rapporteur to prepare a first revised text of the draft declaration. She was entrusted to base her work on comments made at the sixth session of the Working Group (E/CN.4/Sub.2/1988/24, paras. 66-95), and on written observations and suggestions received.
11. In preparing the present revised text, an attempt has been made to examine and interpret all comments, information and proposals available to the Chairman-Rapporteur. She also kept in mind that the text submitted by her to the sixth session of the Working Group was generally considered to be a thorough and useful working paper, which constituted a concrete and concise basis for further work and a sound guidance in the right direction.
12. All information received contains valuable, constructive and reliable comments and proposals which ought to be taken into account in future standard-setting work. Despite the quality of these remarks and com-

ments ,the Chairman-Rapporteur does not consider her mandate to reflect on all legal, social, economic, political and cultural aspects raised by the information. However, in view of the small number of replies received from all parties concerned, these cannot be considered as reflecting the views and proposals of a sufficient number of Governments and indigenous peoples of the international community. Therefore, the Chairman-Rapporteur thought that a complete and Substantive revision of the existing working paper would be premature. Furthermore, in view of the diversity of opinions, which have become evident in the observations made by the Governments, on the one hand, and by indigenous organizations, on the other, in particular on provisions as to land and resources rights, self-government and self-autonomy, the Chairman-Rapporteur felt that these and other provisions, in their substance, should better stand as they are. this would facilitate later discussion, In doing so, she has taken into account that the text as it stands now, constitutes a fair balance between the aspirations of indigenous peoples and the legitimate concern of States and, for that reason, seems to be a realistic approach to the issues. It has also to be mentioned that substantial changes have to be acceptable to all parties concerned.

13. Thus, the Chairman-Rapporteur decided to restrict herself as much as possible to technical alterations of preambular and operative principles where she considered them appropriate and feasible rather than inserting more extensive and substantive revision. This would be done later in co-operation with the other members of the Working Group, governmental and indigenous representatives.
14. All comments and proposals received have been included in the annex to this document so that they can fully be considered when the improved text will be re-examined as a whole. For the sake of clarity and better understanding, the Chairman-Rapporteur has underlined all the phrases and words which have been altered in the text.
15. The Chairman-Rapporteur would like to stress that the drafting of such a document is a never-ending exercise and one could constantly clarify or improve the wording. Therefore, it is her firm conviction that the text submitted below should be considered as preliminary. It goes without saying that it stands to be corrected, improved or amended wherever necessary.
16. The Chairman-Rapporteur would like to take the liberty of suggesting to the Working Group and to the Sub-Commission the following procedure for further work on the draft declaration:
    (a) General discussion on the present text may be made at the seventh session of the Working Group;
    (b) The Working Group may wish to recommend to the Sub-Commission that it ask the Commission and the Council to authorize the

Working Group to meet in private one week prior to the eighth session of the Working Group to elaborate a draft declaration, using the present revised working paper as a basis. The draft, after the relevant presentation by the Chairman-Rapporteur, Mrs. Erica-Irene A. Daes can then be subject to an article-by-article study by the Working Group, at its eighth and later sessions. In this connection, the Chairman-Rapporteur would like to underline that she considers the future declaration an international instrument, which will be important for the survival of the indigenous peoples around the world, for all parties concerned and the international community.

17. Finally, the Chairman-Rapporteur wishes to express sincere thanks and appreciation to all those Governments, indigenous peoples, specialized agencies, intergovernmental and non-governmental organizations whose contribution to an international instrument of historic importance has been essential, and has much facilitated her assignment.

II. First revised part of the draft universal declaration on rights of indigenous peoples

The General Assembly,

considering indigenous peoples *born free and equal* in dignity and rights in accordance with existing international standards while recognizing the right of all individuals and groups to be different, to consider themselves different and to be regarded as such,

Considering that all peoples and human groups have contributed to the progress of civilizations and cultures which constitute the common heritage of humankind,

Recognizing the specific need to promote and protect those rights and characteristics which stem from indigenous history, philosophy of life, traditions, culture and legal, social and economic structures, especially as these are tied to the lands which the groups have traditionally occupied,

Concerned that many indigenous peoples have been unable to enjoy and assert their inalienable human rights and fundamental freedoms, frequently resulting in insufficient land and resources, poverty and deprivation, which in turn may lead *them to voice their grievances and to organize themselves in order to bring an end to all forms of discrimination and oppression which they face*,

Convinced that all doctrines and practices of racial, ethnic or cultural superiority are legally wrong, morally condemnable and socially unjust,

Reaffirming that indigenous peoples in the exercise of their rights should be free from adverse distinction or discrimination of any kind,

Endorsing calls for the consolidation and strengthening of indigenous societies and their cultures and traditions through development based on

their own needs and value systems and comprehensive participation in and consultation about all other relevant development efforts,

Emphasizing the need for special attention to the rights and skills of indigenous women and children,

Believing that indigenous peoples should be free to manage their own affairs to the greatest possible extent, while enjoying equal rights with other citizens in the political, economic and social life of States,

Bearing in mind that nothing in this declaration may be used as a justification for denying to any people, which otherwise satisfies the criteria generally established by human rights instruments and international law, its right to self-determination,

Calling on States to comply with and effectively implement all international human rights instruments as they apply to indigenous peoples,

Acknowledging the need for minimum standards taking account of the diverse realities of indigenous peoples in all parts of the world,

Solemnly proclaims the following declaration on rights of indigenous peoples and calls upon all States to take prompt and effective measures to implement the declaration in conjunction with the indigenous peoples.

Part I

1. The right to the full and effective enjoyment of all fundamental rights and freedoms, as well as the observance of the corresponding responsibilities, which are universally recognized in the Charter of the United Nations and in existing international human rights instruments.
2. The right to be free and equal to all the other human beings in dignity and rights and to be free from adverse distinction or discrimination of any kind.

Part II

3. The (collective) right to exist *as distinct peoples* and to be protected against genocide, as well as the (individual) rights to life, physical integrity, liberty and security of person.
4. The (collective) right to maintain and develop their ethnic and cultural characteristics and distinct identity, including the right of peoples and individuals to call themselves by their proper names.
5. The *individual and* collective right to protection against ethnocide. This protection shall include, in particular, prevention of any act which has the aim or effect of depriving them of their ethnic characteristics or *cultural* identity, of any form of forced assimilation or integration, of imposition of foreign life-styles and of any propaganda derogating their dignity and diversity.

6. The right to preserve their cultural identity and traditions and to pursue their own cultural development. The rights to the manifestations of their cultures, including archaeological sites, artefacts, designs, technology and works of art, lie with the indigenous peoples or their members.
7. The *right to require that* States grant – within the resources available – the necessary assistance for the maintenance of their identity and their development.
8. The right to manifest, teach, practise and observe their own religious traditions and ceremonies, and to maintain, protect and have access to sacred sites and burial-grounds for these purposes.
9. *The right to develop and promote their own languages, including an own literary language, and to use them for administrative, juridical, cultural and other purposes.*
10. The right to all forms of education, including in particular the right of children to have access to education in their own languages, and to establish, structure, conduct and control their own educational systems and institutions.
11. The right to promote intercultural information and education, recognizing the dignity and diversity of their cultures, and the duty of States to take the necessary measures, among other sections of the national community, with the object of eliminating prejudices and of fostering understanding and good relations.

Part III

12. The right of *collective and individual* ownership, possession and use of the lands or resources which they have traditionally occupied or used. The lands can only be taken away from them with their free and informed consent as witnessed by a treaty or agreement.
13. The right to recognition of their own land-tenure systems for the protection and promotion of the use, enjoyment and occupancy of the land.
14. The right to special measures to ensure their ownership and control over surface and substance of resources pertaining to the territories they have traditionally occupied or otherwise used including flora and fauna, waters and ice sea.
15. The right to reclaim land and surface resources or where this is not possible, to seek just and fair compensation for the same, when the property has been taken away from them without consent, in particular, if such deprival has been based on theories such as those related to discovery, *terra nullius*, waste lands or idle lands. Compensation, if the parties agree, may take the form of land or resources of quality and legal status at least equal to that of the property previously owned by them.

16. The right to protection of their environment and in particular against any action or course of conduct which may result in the destruction, deterioration or pollution of their traditional habitat, land, air, water, sea ice, wildlife or other resources without free and informed consent of the indigenous peoples affected. The right to just and fair compensation for any such action or course of conduct.
17. *The right to require that States consult with indigenous peoples and with both domestic and transnational corporations prior to the commencement of any large-scale projects, particularly natural resource projects or exploitation of mineral and other subsoil resources in order to enhance the projects' benefits and to mitigate any adverse economic, social, environmental and cultural effect. Just and fair compensation shall be provided for any such activity or adverse consequence undertaken.*

Part IV

18. The right to maintain and develop within their areas of lands or territories their traditional economic structures and ways of life, to be secure in the enjoyment of their own traditional means of subsistence, and to engage freely in their traditional and other economic activities, including hunting, fresh- and salt-water fishing, herding, gathering, lumbering and cultivation, without adverse discrimination. In no case may an indigenous people be deprived of its means of subsistence. The right to just and fair compensation if they have been so deprived.
19. The right to special State measures for the immediate, effective and continuing improvement of their social and economic conditions, with their consent, that reflect their own priorities.
20. The right to determine, plan and implement all health, housing and other social and economic programmes affecting them, and as far as possible to develop, plan and implement such programmes through their own institutions.

Part V

21. The right to participate on *an equal footing with all the other citizens and without adverse discrimination* in the political, economic and social life of the State and to have their specific character duly reflected in the legal system and in political and socio-economic institutions, including in particular proper regard to and recognition of indigenous laws and customs.
22. The right to participate fully at the State level, through representatives chosen by themselves, in decision-making about and implementation of

all national and international matters which may affect their life and destiny.

23. The (collective) right to autonomy in matters relating to their own internal and local affairs, including education, information, culture, religion, health, housing, social welfare, traditional and other economic activities, land and resources administration and the environment, as well as internal taxation for financing these autonomous functions.

24. The right to decide upon the structures of their autonomous institutions, to select the membership of such institutions, and to determine the membership of the indigenous people concerned for these purposes.

25. The right to determine the responsibilities of individuals to their own community, consistent with universally recognized human rights and fundamental freedoms.

26. The right to *maintain and develop* traditional contacts and co-operation, including cultural and social exchanges and trade, with their own kith and kin across State boundaries and *the obligation of the State to adopt measures to facilitate such contacts.*

27. *The right to claim that* States honour treaties and other agreements concluded with indigenous peoples.

Part VI

28. The individual and collective right to access to and prompt decision by mutually acceptable and fair procedures for resolving conflicts or disputes *and any infringement, public or private,* between States and indigenous peoples, groups or individuals. These procedures should include, as appropriate, negotiations, mediation, *arbitration,* national courts and international and regional human right- review and complaints mechanisms.

Part VII

29. *These rights constitute the minimum standards for the survival and the well-being of the indigenous peoples of the world.*

30. *Nothing in this Declaration may be interpreted as implying for any State, group or individual any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.*

Comments on the First Revised Text of the draft Declaration on Rights of Indigenous Peoples

Adopted 28 July by Indigenous Peoples' Preparatory Meeting

The Indigenous Peoples' Preparatory Meeting held at the Palais des Nations July 24 through 28th, 1989, has agreed upon the following comments concerning the first revised text of the Draft Universal Declaration on Rights of Indigenous Peoples.

1. The concept of Indigenous peoples' collective rights is of paramount importance. It is the establishment of rights of peoples as groups, and not merely the recognition of individual rights, which is one of the most important purposes of this Declaration. Without this, the Declaration cannot adequately protect our most basic interests. This must not be compromised.
2. The right of consent to actions which affect our fundamental interests is also essential. Specifically, the revision of article 17 of the Declaration has removed the requirement of consent with regard to large-scale projects, particularly ones involving exploitation of natural resources. It is these very projects which most frequently involve the theft of our resources and bring about the destruction, degradation and even the outright killing of Indigenous peoples. It is in this precise area where Indigenous people must be accorded real rights or else face continuing destruction and even genocide. Yet on this point the revised text has fatally weakened the right of Indigenous peoples to protect themselves, by taking out the requirement of consent.
3. The right of Indigenous peoples to the return of human remains is a matter of great importance which must be added to the Declaration. The unjustifiable retention of Indigenous human remains by museums and other institutions is truly shocking and discriminatory. The return of these remains is a matter of common decency.
4. The Declaration must include clear language to protect Indigenous peoples' ownership and control of subsurface resources. The text is now unclear. Indigenous peoples have an ancestral right under our own traditional legal systems to the subsurface resources in the same manner as the surface of the land.
5. The Declaration must stress the duty of the nations to honor and respect the spirit and intent of treaties signed, or which will be signed, with Indigenous peoples. The revised language must contain a recognition of the true status of Indigenous treaties signed, or which will be signed, with Indigenous peoples. The revised language must contain a recognition of the true status of Indigenous treaties.

6. The right to self-determination must be reaffirmed in the Declaration. A recent United Nations seminar of experts concluded:

> The principle of self-determination as set forth in the Charter of the United Nations and in Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights is essential to the enjoyment of all human rights by indigenous peoples.

Language is needed in the Declaration which acknowledges the right and power of indigenous peoples to exercise jurisdiction within their territories.

7. The provisions on lands and territories must be strengthened, particularly by making Article 12 refer to both lands and territories. Further, the protections of Articles 12 and 14 must apply to all lands to which Indigenous peoples are justly entitled even though these lands may not have been *traditionally occupied* in the strict sense of those words. Likewise when lands or resources have been taken away without their consent, or where Indigenous peoples agree to yield land or resources, states must provide indemnity in the form of equivalent land, revenue sharing or in any form acceptable to the Indigenous people concerned.
8. Finally we believe that the Declaration should acknowledge a particularly fundamental idea cherished by many Indigenous peoples, the right of non-interference. The right of non-interference is at the foundation of many of the other provisions of the Declaration and expresses a natural and fundamental aspiration of many Indigenous peoples.

CONVENTION CONCERNING INDIGENOUS AND TRIBAL PEOPLES IN INDEPENDENT COUNTRIES

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 76th Session on 7 June 1989, and

Noting the international standards contained in the Indigenous and Tribal Populations Convention and Recommendation, 1957, and

Recalling the terms of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the many international instruments on the prevention of discrimination, and

Considering that the developments which have taken place in international law since 1957, as well as developments in the situation of indigenous and tribal peoples in all regions of the world, have made it appropriate to adopt new international standards on the subject with a view to removing the assimilationist orientation of the earlier standards, and

Recognising the aspirations of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live, and

Noting that in many parts of the world these peoples are unable to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they live, and that their laws, values, customs and perspectives have often been eroded, and

Calling attention to the distinctive contributions of indigenous and tribal peoples to the cultural diversity and social and ecological harmony of humankind and to international co-operation and understanding, and

Noting that the following provisions have been framed with the co-operation of the United Nations, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation, as well as of the Inter-American Indian Institute, at appropriate levels and in their respective fields, and that it is proposed to continue this co-operation in promoting and securing the application of these provisions, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention revising the Indigenous and Tribal Populations Convention, 1957;

adopts this twenty-seventh day of June of the year one thousand nine hundred and eighty-nine the following Convention, which may be cited as the Indigenous and Tribal Peoples Convention, 1989:

PART I. GENERAL POLICY

Article 1

1. This Convention applies to:

(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

3. The use of the term "peoples" in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.

Article 2

1. Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity.

2. Such action shall include measures for:

(a) ensuring that members of these peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;

(b) promoting the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions;

(c) assisting the members of the peoples concerned to eliminate socio-economic gaps that may exist between indigenous and other members of the national community, in a manner compatible with their aspirations and ways of life.

Article 3

1. Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples.

2. No form of force or coercion shall be used in violation of the human rights and fundamental freedoms of the peoples concerned, including the rights contained in this Convention.

Article 4

1. Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned.

2. Such special measures shall not be contrary to the freely-expressed wishes of the peoples concerned.

3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures.

Article 5

In applying the provisions of this Convention:

(a) the social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals;

(b) the integrity of the values, practices and institutions of these peoples shall be respected;

(c) policies aimed at mitigating the difficulties experienced by these peoples in facing new conditions of life and work shall be adopted, with the participation and co-operation of the peoples affected.

Article 6

1. In applying the provisions of this Convention, governments shall:

(a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;

(b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;

(c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.

2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

Article 7

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.

3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The

results of these studies shall be considered as fundamental criteria for the implementation of these activities.

4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

Article 8

1. In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws.

2. These peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.

3. The application of paragraphs 1 and 2 of this Article shall not prevent members of these peoples from exercising the rights granted to all citizens and from assuming the corresponding duties.

Article 9

1. To the extent compatible with the national legal system and internationally recognised human rights, the methods customarily practised by the peoples concerned for dealing with offences committed by their members shall be respected.

2. The customs of these peoples in regard to penal matters shall be taken into consideration by the authorities and courts dealing with such cases.

Article 10

1. In imposing penalties laid down by general law on members of these peoples account shall be taken of their economic, social and cultural characteristics.

2. Preference shall be given to methods of punishment other than confinement in prison.

Article 11

The exaction from members of the peoples concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law, except in cases prescribed by law for all citizens.

Article 12

The peoples concerned shall be safeguarded against the abuse of their rights and shall be able to take legal proceedings, either individually or through their representative bodies, for the effective protection of these rights. Measures shall be taken to ensure that members of these peoples can understand and be understood in legal proceedings, where necessary through the provision of interpretation or by other effective means.

PART II. LAND

Article 13

1. In applying the provisions of this Part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples

concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.

2. The use of the term "lands" in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

Article 14

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.

2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.

3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

Article 15

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

Article 16

1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.

2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.

3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.

4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to

that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.

5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

Article 17

1. Procedures established by the peoples concerned for the transmission of land rights among members of these peoples shall be respected.

2. The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands or otherwise transmit their rights outside their own community.

3. Persons not belonging to these peoples shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them.

Article 18

Adequate penalties shall be established by law for unauthorised intrusion upon, or use of, the lands of the peoples concerned, and governments shall take measures to prevent such offences.

Article 19

National agrarian programmes shall secure to the peoples concerned treatment equivalent to that accorded to other sectors of the population with regard to:

(a) the provision of more land for these peoples when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;

(b) the provision of the means required to promote the development of the lands which these peoples already possess.

Part III. Recruitment and conditions of employment

Article 20

1. Governments shall, within the framework of national laws and regulations, and in co-operation with the peoples concerned, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these peoples, to the extent that they are not effectively protected by laws applicable to workers in general.

2. Governments shall do everything possible to prevent any discrimination between workers belonging to the peoples concerned and other workers, in particular as regards:

(a) admission to employment, including skilled employment, as well as measures for promotion and advancement;

(b) equal remuneration for work of equal value;

(c) medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing;

(d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.

3. The measures taken shall include measures to ensure:

(a) that workers belonging to the peoples concerned, including seasonal, casual and migrant workers in agricultural and other employment, as well as those employed by labour contractors, enjoy the protection afforded by national law and practice to other such workers in the same sectors, and that they are fully informed of their rights under labour legislation and of the means of redress available to them;

(b) that workers belonging to these peoples are not subjected to working conditions hazardous to their health, in particular through exposure to pesticides or other toxic substances;

(c) that workers belonging to these peoples are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude;

(d) that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.

4. Particular attention shall be paid to the establishment of adequate labour inspection services in areas where workers belonging to the peoples concerned undertake wage employment, in order to ensure compliance with the provisions of this Part of this Convention.

PART IV. VOCATIONAL TRAINING, HANDICRAFTS AND RURAL INDUSTRIES

Article 21

Members of the peoples concerned shall enjoy opportunities at least equal to those of other citizens in respect of vocational training measures.

Article 22

1. Measures shall be taken to promote the voluntary participation of members of the peoples concerned in vocational training programmes of general application.

2. Whenever existing programmes of vocational training of general application do not meet the special needs of the peoples concerned, governments shall, with the participation of these peoples, ensure the provision of special training programmes and facilities.

3. Any special training programmes shall be based on the economic environment, social and cultural conditions and practical needs of the peoples concerned. Any studies made in this connection shall be carried out in co-operation with these peoples, who shall be consulted on the organisation and operation of such programmes. Where feasible, these peoples shall progressively assume responsibility for the organisation and operation of such special training programmes, if they so decide.

Article 23

1. Handicrafts, rural and community-based industries, and subsistence economy and traditional activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognised as important factors in the

maintenance of their cultures and in their economic self-reliance and development. Governments shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted.

2. Upon the request of the peoples concerned, appropriate technical and financial assistance shall be provided wherever possible, taking into account the traditional technologies and cultural characteristics of these peoples, as well as the importance of sustainable and equitable development.

PART V. SOCIAL SECURITY AND HEALTH

Article 24

Social security schemes shall be extended progressively to cover the peoples concerned, and applied without discrimination against them.

Article 25

1. Governments shall ensure that adequate health services are made available to the peoples concerned, or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.

2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the peoples concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.

3. The health care system shall give preference to the training and employment of local community health workers, and focus on primary health care while maintaining strong links with other levels of health care services.

4. The provision of such health services shall be co-ordinated with other social, economic and cultural measures in the country.

PART VI. EDUCATION AND MEANS OF COMMUNICATION

Article 26

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

Article 27

1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.

2. The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.

3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.

Article 28

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.

2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.

3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

Article 29

The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

Article 30

1. Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.

2. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.

Article 31

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

PART VII. CONTACTS AND CO-OPERATION ACROSS BORDERS

Article 32

Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields.

Part VIII. Administration

Article 33

1. The governmental authority responsible for the matters covered in this Convention shall ensure that agencies or other appropriate mechanisms exist to administer the programmes affecting the peoples concerned, and shall ensure that they have the means necessary for the proper fulfilment of the functions assigned to them.

2. These programmes shall include:

(a) the planning, co-ordination, execution and evaluation, in co-operation with the peoples concerned, of the measures provided for in this Convention;

(b) the proposing of legislative and other measures to the competent authorities and supervision of the application of the measures taken, in co-operation with the peoples concerned.

Part IX. General provisions

Article 34

The nature and scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

Article 35

The application of the provisions of this Convention shall not adversely affect rights and benefits of the peoples concerned pursuant to other Conventions and Recommendations, international instruments, treaties, or national laws, awards, custom or agreements.

Part X. Final provisions

Article 36

This Convention revises the Indigenous and Tribal Populations Convention, 1957.

Article 37

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 38

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 39

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 40

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 41

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 42

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 43

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides–

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 39 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 44

The English and French versions of the text of this Convention are equally authoritative.

The ILO Meeting at the UN, Geneva, June 1989

Report on International Labour Organisation Revision of Convention 107

By Andrew Gray, IWGIA

Introduction

On 27 June 27 1989, the International Labour Organisation's conference in Geneva approved a revised version of Convention 107 on Tribal and Indigenous Peoples. The new international treaty was received with concern and disquiet by indigenous peoples at the meeting, since they are already assessing its impact on the recognition and implementation of their rights, and whether they support ratifications from government.

The approval of Convention 107 was the culmination of a three year process which had started at the Committee of Experts meeting in 1986, and continued with two ILO committee discussions in 1988 and 1989. IWGIA Yearbooks 1986 and 1988 contain accounts of these meetings.

The International Labour Organisation originally took an interest in indigenous and tribal questions when considering the rights of "native workers on plantations" in the 1950s. Out of this first discussion came the original Convention 107 in 1957.

In 1985, the Secretariat of the ILO proposed to its Governing Body that there be a revision of Convention 107. In the Committee of Experts' meeting in 1986, the reasons for this were given as being two-fold: to eradicate the integrationist language of the original Convention and to strengthen its land provisions.

In 1986 the Committee of Experts formed conclusions as to the nature of the revision. After the meeting, the ILO Secretariat prepared a questionnaire which was sent out to governments. The comments, which were returned, were put into an office draft of the revised convention which was under discussion in 1988. Hundreds of amendments to the draft were put forward and many of the articles were discussed, voted on and incorporated into a new draft of the Convention which was presented by the Office (known as "The Office Text").

The two most controversial questions – land and resources and whether indigenous peoples were really "peoples" or were just "popula-

tions" – were left undecided until 1989. The basis for discussion at the June meeting was therefore amendments to the Office Text and working on the peoples and territory issues.

This report is not an analysis of the new revised Convention but an account of the 1989 meeting. It aims to explain the procedures of the ILO, how the Convention revision took place and how the indigenous representatives at the meeting reacted to the result.

Indigenous Peoples and the ILO Procedure

Unlike the UN Working Group on Indigenous Peoples in Geneva, indigenous peoples have a very restricted access to ILO procedures. The tripartite structure of the ILO consists of representatives from Workers, Employers and Governments. These representatives are, with a few exceptions, predominantly non-indigenous. Those indigenous people present in their official capacity within the tripartite structure of the meetings are not there as members of indigenous organisations.

The indigenous representatives present at the 1989 meeting could only attend as visitors or accredited with officially recognised non-governmental organisations. The result was that, apart from a fixed number of time allocations for speeches, the indigenous representatives had to sit silently around the walls of the Committee room, listening to the negotiations which bartered away their rights.

As in the 1988 Committee, the procedure was cumbersome, and in the event, largely irrelevant. The Office Text was used as a basis for discussion, and amendments were submitted to the Secretariat throughout the first week by the Workers, Employers and Governments.

Every day the Indigenous Caucus met, and discussed a consensus opinion for each of the 36 proposed articles. Although a long procedure, it resulted in an indigenous version of the Convention which shows clearly the aims and objectives of the caucus. When the Indigenous caucus agreed to amendments, it took them to the Workers' caucus and submitted it for approval. On the whole the Workers accepted the suggestions, altering points occasionally. The Workers then submitted these amendments to to the ILO Secretariat and they were discussed with the employers' and governments' amendments at the committee.

During the meeting, the Workers' Vice Chairman was the spokesman for the indigenous cause. For the first few articles, the meeting reached a consensus through negotiation and took a vote on the question.

During the 1989 meeting, however, most of the significant discussions and negotiations took place outside of the committee room under the auspices of the ILO Secretariat, the Chairman (from the Governments) and the two Vice-Chairmen (from the Workers and Employers). Several in-

digenous representatives dubbed this ad hoc group "the Cabal", and indeed the final result of the meeting reflected the aims and interests of this group.

At one point in the meeting a "Working Party on land" was established, consisting of representatives from the three parties in the Committee to see if some agreement could be reached. Even here there was no final solution, and it was left to the "Cabal" to sort out the disagreements.

The Political Interests in the Meeting

The political make-up of the meeting in 1989 was much more intense than in 1988. As this was the final year of the revision, all parties entered the political arena with new fervour. This can only be understood within the framework of what they hoped to gain out of the revision.

The "Cabal" - the Committee officials huddle together to ensure an intact revision (photo: National Coalition of Aboriginal Organizations, Australia).

The Secretariat and the Committee Officials (the "Cabal")

The ILO Secretariat, which initiated the revision procedure, has always worked to produce a Convention which would cover the worse excesses of indigenous rights violations, while at the same time being weak enough to attract ratifications from as many governments as possible. The Office Text which was produced on the basis of the discussion in 1988, was designed to satisfy as many interests as possible.

The role of the Secretariat was, therefore, crucial in ensuring that the discussion never reached a complete stalemate and that the revision came through intact in the end. The danger in this position, according to the Indigenous Caucus, was that there were no brakes on the process which would prevent passing a Convention which was inferior to the original 1957 model.

The Chairman of the Committee was a government representative from Bolivia, a country which is currently before the ILO's Committee of Standards for having violated the existing Convention 107. The Chairman had the unenviable task of being impartial in the discussion of the revision of Convention 107. His difficulty in living up to this was noted in the final statement of the Indigenous Caucus to the plenary.

Both the Chairman shared with their Bolivian counterpart the need to ensure that a Convention was passed this year at all costs. For them, the whole revision process had to be based on a process of "give and take" which completely avoided the principled stand on which indigenous peoples base their political positions.

Thus, from the very beginning there was a completely different perspective between those running the meeting and the indigenous representatives. The former were there to negotiate and "horse-trade", as with normal labour-management negotiations, while the indigenous peoples were there to ensure that their rights, which are based on fundamental principles, were not eroded at all.

The Workers

The Worker's caucus supported many of the amendments to the process accepted by the indigenous peoples. As in 1988, there was clearly a distinction between those indigenous worker representatives who were familiar with grass-roots problems, and those who could not grasp the critical features of the questions involved.

A particularly difficult problem lay in the necessity for the Workers to agree to everything unanimously. When deals which involved an abrogation of indigenous rights were agreed upon in negotiation, several indigenous members of the Workers' Caucus found it extremely hard to have to tow the union line, even though they had little choice.

Labour representatives. John Svenningson, extreme left, who is Vice-Chairman and member of the Committee on Revision of Convention 107 (photo: IWGIA archives).

The Employers

Since 1988 the Employers had hardened their position. The ameliorating effect of the few indigenous advisors to the Employers' caucus which was noted last year was less evident. At one point in the negotiations the Employers even made it known that they were not interested in seeing a stronger convention for indigenous rights.

The relationship between the Employers and Workers entailed more friction in 1989 and the extended negotiations and shifting of political ground showed that common ground had shifted away. Whereas the position of the Workers remained fairly constant from 1988, the Employers definitely took a more hard-line position in 1989, similar to the interests of several governments such as India, Japan and Canada.

The Governments

The greatest shift in political movement took place among the Governments. In 1988, the progressive countries came from the Nordic block, Australia, New Zealand, Portugal, Argentina, Peru and Botswana, but there were considerable changes in 1989.

Governmental delegations: first row, Americans and in second row, the Canadians (photo: IWGIA archives).

This year Peru and Argentina joined Brazil and Venezuela in building a solid reactionary block of South American countries. Battling against this were Colombia and Ecuador. Colombia, in particular, showed a principled and consistent position on indigenous rights. The representative not only listened to the opinions of the Indigenous Caucus, but introduced a barrage of progressive amendments.

Asian countries, in the form of India and Japan, continued to lead the reactionary wing of the meeting, while the Philippines remained cautious on the side-lines.

From the Arab countries and Africa there was some concern at the reactionary nature of the meeting. Taking into consideration both the Palestinian and the South African liberation movements, several delegates commented that indigenous peoples have a parallel struggle.

The "western block" continued with their extraordinary antics of 1988. A familiar pattern – of confusion and constant shifting of position – emerged through the meeting. The Nordic countries would make a proposal which would be progressive and in the spirit of a positive revision of the Convention. New Zealand and Australia would have little objection. Then in would come Canada and the United States(working more in tandem this year than in 1988). More hard-line than ever, Canada continued its political line of devaluing the Convention to its lowest possible value. The only con-

sistent position was Portugal, who took a positive and strong position in favour of indigenous rights.

The primary interests of all the governments, except for Portugal and Colombia was to ensure that international standards remain well below the national legislation. The Indigenous Caucus considered that this was a cynical approach to what is meant to be an international treaty. If every international legal instrument was based on national considerations, there would hardly be any human rights legislation.

The key shift since 1988 was undoubtedly the hardening of the position of Argentina and Peru and the powerful influence of Canada over the western block. It should be said that the members of the western countries made no spirited defence of indigenous questions against the barrage of negative positions from Canada and the United States. The result was that the positions of the Governments were more opposed to the indigenous stand than in 1988.

The indigenous caucus at work (photo: Jens Dahl).

The Indigenous Caucus

The small Indigenous Caucus consisted primarily of indigenous representatives and some non-indigenous observers and advisers. From Canada there were delegations from the Four Nations, Treaty Six, the Federation of Saskatchewan Indians and the Four Directions Council. From Japan came the Ainu and from Australia the National Coalition of Aboriginal Organisations returned. International organisations such as the World Council of

Indigenous Peoples and its constituent organisations, the Nordic Saami council, the Pacific Council of Indigenous Peoples (PACIP) and the Indian Council of South America were present. The Coordinadora of the Amazon Basin was an important addition to the caucus as were representatives from the indigenous peoples of Brazil. The Inuit Circumpolar Conference along with the Mohawk nation representative were indispensable in articulating indigenous demands both to the Workers and elsewhere. The non-indigenous organisations present were IWGIA, Survival International and the Work Group for Indigenous Peoples, Netherlands.

The divisions within the Indigenous caucus which coloured the 1988 meeting were absent in 1989. With the exception of two organisations (the Four Directions Council and PACIP) which still favoured the more circumspect approach of 1988, the position of the indigenous representatives was unanimous in all decisions and press releases.

General Observations

Between 1988 and 1989 the Employers and several key governments formed a more entrenched position with regard to the revision of Convention 107. On the other hand, the Indigenous Caucus retained its position from 1988 and increased its backing to include almost all the indigenous representatives present.

The effect of this was an *impasse* between the indigenous position and that of the hard-line Employers and countries such as Canada. The Workers and the progressive governments were under tremendous pressure to reach a consensus agreement with them. This is where the Secretariat and the Chairmen had a crucial role, because they wanted to ensure agreement, come what may. They were the primary brokers in the meeting, and as such, bowed to and joined the powers of reaction.

The Meeting

The meeting opened with general introductions and statements by Workers, Employers and Governments. The Workers considered that the wishes of the indigenous peoples should be respected on the revision, while the Employers and the hard-line Governments said that the revision must be flexible. "Flexibility" was the term used by Governments who wanted to camouflage their more extreme statements.

The Peoples Question

The original Convention of 1957 used the term *populations* and this has been severely criticised by indigenous and non-indigenous peoples alike be-

The Japanese official delegation which was consistently being anti-indigenous (photo: IWGIA archives).

cause it is a statistical and biological concept. The term *peoples* is a word which refers explicitly to a collectivity and collective rights.

In several human rights instruments there is a reference to the fact that "all peoples have the right to self-determination". For many years it has been accepted that the term peoples and self-determination are not narrow concepts meaning only political independence from states; they are basic pre-requisites of the definition of any collectivity as to how its members live and control their lives.

Whereas governments are fully aware of this, they still insist on harking back to the narrow state-focused definition of self-determination as political independence. Since the Cobo Report, which the United Nations produced over five years ago, it has been perfectly clear that self-determination applies as much to peoples within as to colonised peoples outside the state.

Apart from the blatant misrepresentation of international law by the governments who oppose the term *peoples*, there was a further complication. To qualify the term *peoples* is to set up a discriminatory distinction between peoples, as defined in international law, and indigenous peoples who are somehow not allowed access to the right of self-determination.

When taken up in the meeting, the use of the term peoples first arose in Article 1.3 which in the Office Text reads:

The use of the term *peoples* in this Convention shall not be construed as having any implication as regards the rights which may attach to the term under other international instruments.

There were three positions in the meeting:

1. The Indigenous Caucus, Workers, and a few progressive governments argued that the term peoples should be left unqualified, as the relationship between indigenous peoples and international law was not for the ILO to decide.
2. A few governments such as India, Venezuela and Canada preferred the term populations. They considered that the use of the term peoples implied the right to secession from the state.
3. Another position, led by the ILO Office on the basis of its text wanted a qualifier which would remove the context of the Convention from general international legal discussions but would include the term peoples.

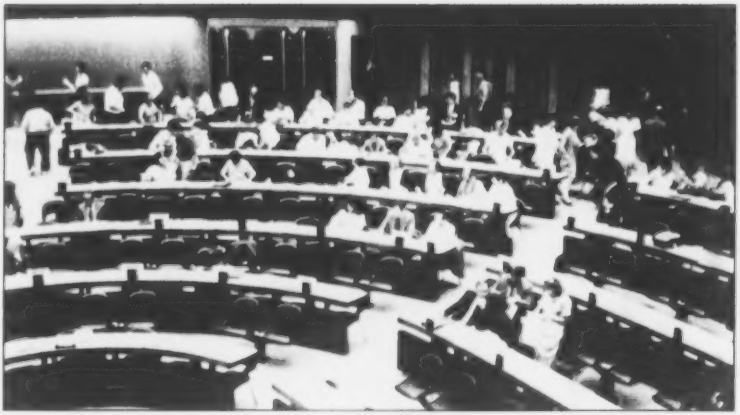
Without further discussion, the Chairman of the meeting argued that the idea of a qualifier was the only ground for agreement and that *consultations* would take place outside of the committee to find a consensus position.

Very quickly new lines were drawn up to deal with this new situation. Three new positions emerged:

1. The Indigenous Caucus, Workers and Colombia moved for a very general statement which would say that the use of the term peoples in the Convention would apply only to the Convention and that it would not address itself to other instruments.
2. The Canadians and the Employers were adamant that a specific reference to the non-applicability of the term "peoples" to self-determination and to international law as a whole should be included.
3. A third group of governments (including the Nordic countries, Australia and New Zealand) were satisfied with the Office Text which said "the word "peoples" in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under other "international instruments".

The Chairman conducted his "consultations" and the result was Canada's version of the Office Text, with a further statement by the Chairman written into the official report: " It is understood by the Committee that the use of the term peoples in this Convention has no implications as regards the right to self-determination as understood in international law."

When this was passed by the meeting there was an immediate walk out by the Indigenous Caucus who objected strongly against the two-tiered system which was being set up between "ordinary peoples" and "indigenous peoples".



The indigenous representatives stage an immediate walk-out on the passing of the two-tiered system of "ordinary peoples" and "indigenous peoples". Photo: Jens Dahl.

There can be no doubt that several governments were advocating a discriminatory clause which would distinguish these two types of peoples. The indigenous outrage at this decision of the Committee was reflected in an immediate press release condemning the discriminatory nature of the clause.

The Consent Question

The arguments used by the ILO Secretariat for revising Convention 107 in 1986 was that it should get rid of the integrationist language which has proved so harmful for indigenous peoples. Instead of the concepts of integration, there has been a debate between two sets of wording:

1. One approach seeks to replace the concept of integration with that of participation and consultation. For indigenous peoples, these concepts are no more than euphemisms for integrate. After all, those who participate and are consulted are still the recipients of outside initiatives.
2. The alternative position, which was set forth by the Indigenous Caucus at the ILO, was that the concepts of consent and control are fundamental for the meaningful recognition of indigenous peoples' rights over their own lives and resources.

During the meeting, the Office Text, with a few modifications, passed for Articles 2 through 12. However there was considerable discussion and debate over Articles 6, 7, 8 and 9 where consent and control feature prominently.

Article 6 is about applying the provisions of the Convention and government's obligations, Article 7 is about the relationship between indigenous peoples and development, while Articles 8 and 9 concern recognition of indigenous customs and customary law in relation to the national state apparatus.

In article 6 and 7 the Indigenous caucus argued strongly that governments had to seek the consent of indigenous peoples before carrying out any measures which would affect them directly.

In contrast the hard-line governments and Employers were in favour of the concept of consultation and participation. Eventually consent was lost in a vote, but it remained in a heavily qualified form in Article 6.2:

> The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

As we saw with the case of the term peoples, the use of qualifiers was established here to ensure that the duties and obligations of governments could be reduced *as far as possible to an appropriate extent and according to the circumstances*. In fact the Convention is littered with these little escape clauses.

In Article 8 "due regard shall be had to their customs or customary laws" utilises the same wording as the 1957 Convention and draws indigenous customs into line with national state law. This is precisely the assimilationist policy which the Revised Convention was meant to prevent. This is further pointed out in Article 9.1 which says:

> To the extent possible with the national legal system and internationally recognised human rights, the methods customarily practised by the peoples concerned for dealing with offences committed by their members shall be respected

The result of this section of the Convention is to preserve the integrationist orientation of the 1957 Convention while avoiding the offending word "integration". As an Aboriginal representative said: "the revision Convention has done nothing to change the original assimilationist orientation of the 1957 version".

Lands and Resources

The greatest area of debate was concerning lands and resources. A critical concept here is that of territories. Once again there were considerable differences in opinion. The Indigenous Caucus insisted that territories should be used as a generic term to cover all lands and resources belonging to indigenous peoples. They argued that in 1957, the strongest part of the Convention had been Article 11:

> The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.

Anything less than the recognition of a right of ownership over lands (in a generic sense of the word) would not be a strengthening of the 1957 Convention.

The hard-line governments would have no truck with the word *territories* which, they claimed, threatened the national integrity of the state. This was demonstrably false because, on the second day of the meeting, an amendment by Ecuador to recognise the territorial integrity of indigenous peoples was making positive headway within the Committee until the discussion was stopped by the Chairman who claimed that it should be discussed under the land provisions. This intervention set the whole scene for future discussions and let the hard-line countries know that they had more leeway to resist the concept of territories.

Venezuela, India and Canada did not let this opportunity go by unheeded. The Working Party was set up to reach a compromise outside of the Committee and met for two days. The result was that the Working Party came up with only a very limited set of agreements.

They agreed on a text for Article 13, 17 paragraphs 1 and 3, 18 and 19. However on the crucial issues of territorial rights they could not reach any consensus. The report of the Working Party was presented to the Committee which decided to rework a consensus on Articles 14, 15 and 16. The result took two days and on June 21st an agreement was reached.

The decision on land claims was taken completely outside of any input from the Indigenous Caucus and when it was passed in the meeting there was a second walk-out.

The compromise was between the Workers, Employers and most Governments and consisted of a complicated series of disclaimers and derogation clauses:

Article 13 says that "in applying the provision of this Part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship." Then in a second paragraph which was added after it says

> The use of the term *lands* in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

The meaning of this second paragraph is to try and remove the concept of territory from Article 14 which is about "rights of ownership and posses-

sion of the peoples concerned over the lands which they traditionally occupy". By using the word "occupy" in Article 14 (apart from some rather strange logical contortion) it appears that the Article is trying to avoid recognising land rights based on past occupation. Which makes the word traditional here seem rather absurd.

When asked for further clarification on the meaning of the word lands, the Secretariat was only able to note the generic definition which was used in Recommendation 104 of 1957 which has been the basis of the interpretation of the meaning of lands since then.

The worst article in the whole convention is undoubtedly Article 15. Here "the rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources." If people already own and possess their lands how can they give the right to "participate" in their use unless someone else is already there? This contradiction increases in Paragraph 2 which deals with "subsurface and other resources" which governments claim to own under national law. Governments have to establish procedures to consult the peoples concerned to see the extent to which they will be prejudiced before governments exploit or explore the resources. The people will only be eligible for damage compensation. This opens the door to all forms of resource exploitation on indigenous lands by the governments without indigenous consent.

In Article 16, which is meant to protect indigenous peoples from removal from their lands, there is a welter of attempts to wriggle out of governmental responsibilities. Relocation, when necessary, should be with indigenous consent; where it is not possible, public enquiries should take place "where appropriate"."Whenever possible" the people can return to their lands; when not possible they should be provided with alternative lands "in all possible cases".

In Article 17, Paragraph 2, indigenous peoples have only to be consulted before their lands are alienated. The Workers had wanted to insert an alternative text which would "consider indigenous lands as ordinarily *inalienable*". On 21 June there was a vote on this. The result was a tie after a show of hands, and then it was given a written vote which also was a tie. The result was that the inferior Office Text was adopted which says:

"The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands or otherwise transmit their rights outside their own community".

The ILO provisions on indigenous land rights were described by one observer as "open season on indigenous peoples". They were severely condemned and considered worse than the position of 1957 which did not address the question of resources.

The Office Text Takes Over

The rest of the Convention was a formality. Exhausted with fighting battles over the first 20 Articles the Workers, Employers and Governments agreed to a compromise accepting the Office Text for the remaining Articles and the Preamble. This took place with no discussion.

This typified the farce of the whole revision process. A Committee of about 100 people sat for two weeks to discuss and decide on the revision of Convention 107. In fact the only articles which were covered on the floor were Articles 2 to 12. It could be argued that the Office Text for the remaining Articles arose out of the discussion in 1988 and that there was little which was contentious among them. Nevertheless, the Indigenous Caucus had made several suggestions for strengthening the items on bi-cultural education and respecting traditional medicine.

The Indigenous Caucus had also suggested two important amendments which were not even discussed. The first was to ensure that indigenous peoples could address the provisions of the Convention directly rather than have to utilise the tripartite structure of the ILO. The other was a mention of the right to self-determination in the Preamble. That neither of these fundamental suggestions would have probably passed only reiterates the conservative nature of the revision process.

The Plenary

At the plenary session there were four statements by NGOs, three by indigenous persons. The Indigenous Caucus presented a strong criticism of the process and the resulting Convention. This was supported by the two other indigenous speakers. In addition a Canadian indigenous worker delegate made a strong condemnatory statement of the Convention.

The voting at the plenary was a foregone conclusion although there was a certain amount of uncertainty as some South American governments (Venezuela, Peru and Argentina) decided to abstain. Colombia, Nicaragua and Ecuador decided not to go with them because they would have been abstaining for opposite reasons.

Several African countries were concerned when they heard the indigenous statements, but there were not enough abstentions to effect the quorum and the Convention was passed.

Evaluation

Better or Worse than 1957?

The immediate discussion at the end of the Revision process was whether the new Convention was better or worse than 1957. The fact that this discus-

sion could even take place demonstrates the failure of the process to get much beyond 1957. The land question in terms of Article 15 is weaker, the qualification on "peoples" is discriminatory as was "populations", but to a lesser degree than in 1957, while the integrationist orientation has merely been disguised with more contemporary euphemisms.

Perhaps we can say that the 1957 Convention should have been cleaned up, instead it was given a quick swill through. The dirt remains.

"Nonsense with malicious intent"

One observer described the revised Convention as nonsense with malicious intent. The act that a process for formulating international legal standards has to be negotiated with "give and take" inevitably leads to contradictions. Here are a few examples:

1. Peoples, according to Article 1.3 are meant to be denied rights pertaining to other peoples in international law. This article, as we have seen is discriminatory. It also contradicts Article 3.1 which says: " Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination" and Article 35: "The application of the provision of this Convention shall not adversely affect the rights and benefits of the peoples concerned pursuant to other Conventions and Recommendations, international instruments, treaties or national laws, awards, custom or agreements." If this is the case, why did the governments fuss over "peoples" and add a contradictory piece of discrimination to the Convention?
2. In Article 13.2 "lands" in Article 15 and 16 shall include the concept of territories, which covers the total environment., Yet in Article 14, when "lands" is used, the meaning is quite obviously generic, as has been understood from Recommendation 104. So why the fuss about insisting that a generic use of territories was out of the question?
3. In Article 15.2, a long and complicated process makes indigenous peoples vulnerable to the external poaching of their resources. And yet in Article 6.2 the objective of achieving agreement or consent of indigenous peoples in applying the Convention is stated. The contradiction here makes a nonsense of the logical consistency of the Convention, and this in itself could provide a defence from its excesses.

The Dangers of the Convention

Indigenous peoples at the meeting were discussing ways from within the Convention of defending themselves from its excesses. This means that the Convention is in itself a potential instrument of destruction and discrimination. Indigenous peoples were meant to find that the Convention defended

them from abuses. Instead, they are now trying to find loop-holes in the Convention which will prevent its implementation by governments.

At the Meeting of Experts, the process was described as an exercise by indigenous peoples on "damage limitation". The result of the Convention has been that. It is indeed far worse than was anticipated. Indigenous peoples have condemned it and are now seeing whether it is possible to use it or not. The fact that they can find these loopholes has more to do with the nonsensical inconsistencies in the Convention rather than any intent to support indigenous rights.

The Issues the Convention could not Address

The Convention was unable to address the question of self-determination, of territories, of consent and control. These were the four main issues which indigenous peoples insisted had to be addressed properly at the Committee of Experts in 1986. The fact that not one of these issues has emerged satisfactorily in the Convention marks it a failure from both the ILO and the indigenous points of view.

Not only did the ILO fail to address the procedure question in the future, but it also let down the indigenous world by what it failed to address. The indigenous movement has been growing over the 30 years since Convention 107 was first passed. The United Nations has been making some headway, albeit slowly with the development of indigenous rights. The procedure has involved considerably more discussion than in the ILO, and indigenous people are welcome to address the Working Group.

In contrast, the ILO with its rigid tripartite structure, general unwillingness to address the current discussions on indigenous affairs and refusal to take heed of indigenous standpoints, has made a Convention which constantly falls short of progressive developments. That indigenous peoples are rejecting it must come as no surprise.

The few improvements in Convention 107 are not in the main areas of indigenous rights and they have been kept to the minimum. The Convention has allowed for no recognition of the power changes which have been taking place since 1957 and as such helps governments far more than indigenous peoples. For this reason the ILO has received no consent from indigenous peoples for the results of its work.

Conclusion

The revision of Convention 107 was never likely to be a great success from an indigenous point of view. However, it has been a failure on logical grounds. When one indigenous leader was asked whether he preferred the

Indigenous representatives(Mamanwa from the Philippines (top) and Chakma from the Chittagong Hill Tracts(bottom) before the UN Working group for Indigenous Peoples Working Group on Indigenous Populations meeting at Geneva in 1989 (photo: Jens Dahl).

1957 or the 1989 version of the Convention, he replied "That's like choosing between two pieces of garbage."

It is hard to predict what indigenous peoples will do with this Convention. Most likely, like the 1957 version, government enthusiasm for ratifications will wane until it becomes dead letter. On the other hand, some indigenous peoples may well need to use its contradictions to protect themselves from its dangers. Most importantly, however, international human rights bodies and governments must learn to avoid making a mockery of indigenous peoples, because when history is written, they are the ones who will look the fools.

Postscript

At the UN Working Group on Indigenous Populations in August, the Preparatory Meeting of Indigenous Peoples roundly condemned the new ILO Convention. At the first day of the Working Group, 200 indigenous people and supporters left the room during the presentation by the ILO representative. His statement and the indigenous peoples' response are published elsewhere in this section.

Indigenous peoples are now evaluating the new Convention. Some are carrying their opposition on to lobby governments agains the ratification. Others feel that in spite of its shortcomings, the new Convention's weaknesses are not sufficient to oppose ratification. Whatever their opinions, indigenous peoples themselves have to decide the value of the Convention – such is the way of self-determination.

Paper presented to the Working Group on Indigenous Peoples, Geneva, 31 July 1989

by Lee Swepston, ILO

As has been indicated in the information submitted, the Conference this year completed the revision of Convention No. 107, by adopting the Indigenous and Tribal Peoples Convention, 1989 (No. 169). Copies are available at the secretariat of this meeting. A word about the legal effect of this action may be helpful. Convention No. 169 will enter into force 12 months after it receives its second ratification. At that time, convention No. 107 will no longer be open to further ratifications, but it will remain in force for the countries which have ratified it until and unless they ratify Convention No. 169. At this point, a ratification of the new Convention will involve an automatic denunciation of the old one. I might mention also that, under the ILO Constitution, the new convention must be submitted within 18 months to the national authorities of every Member State who are responsible for the measures to be taken to implement it – in practice, usually national legislatures.

We have submitted detailed information about the process of revision, in which of course the United Nations played an active and valuable part. Let me concentrate here on the relationship of the ILO process to your own Working Group's task.

First, as you mentioned this morning, the ILO instrument is a Convention, and the draft standards the Working Group is considering are intended to be a Declaration. This difference must be kept in mind at every stage. A declaration may include goals, objectives and statements which a Convention may not. A Convention is an international legal instrument of another kind, as it is intended to create binding legal obligations for ratifying States.

An effort was made at every stage to ensure that there would be no conflict between either the procedures or the substance of the ILO Convention and the standards which the UN intends to adopt. Thus the ILO standards are designed to be *minimum* standards, in the sense that they are intended to establish a floor under the rights of indigenous and tribal peoples and, in particular, to establish a basis for government conduct in relation to them.

The word "minimum" has another implication as well. The Conference was aware at every step of its proceedings, of the difference between

The Secretariat and the Chair. Lee Swepston (to the right) has been central in the Revision process (photo: IWGIA archives).

the role of the ILO and that of your Working Group. Thus, while the standards adopted by the ILO significally raise the level of protection in international law offered to these peoples, there were no illusions that they met all the needs, satisfied all the demands, or responded to all the wishes of these vulnerable peoples. You will no doubt be told the same thing by many of the NGOs present at this session. I refer in this connection to Article 35 of the new Convention, which states that:

> The application of the provisions of this Convention shall not adversely affect rights and benefits of the peoples concerned pursuant to other Conventions and Recommendations, international instruments, treaties, or national laws, awards, custom or agreements.

This also reflects a similar provision of the ILO Constitution.

But the ILO was conscious that some questions are exclusively within the purview of the United Nations. For instance, while the ILO was able to reach agreement to refer to these peoples as peoples, it explicitly left a decision on the implications to be attached to this usage in international law, to your procedures. Let me clarify that the ILO did not limit the meaning of the term in any way whatsoever; it referred the decision on its meaning to the United Nations.

What we have, therefore, is what the Conference intended to adopt: a working tool, essentially a procedural Convention, the effect of which is

to set up a framework within which decisions affecting these peoples can be taken at the national level. It is a much more complex instrument than Convention No. 107, and the Office will be glad to provide further information on its implications should you have questions. It also leaves to you the job of determining the fullest measure of rights these peoples have, and should have, in international law.

I will not attempt to present to you in detail every one of the 44 Articles of the new Convention. If you allow, however, I would refer to some of the more important aspects.

First, and most important, the ILO was able to remove the paternalistic and integrationist approach of Convention No. 107 from the new Convention. This instrument presumes, and states, the right to continued existence of these peoples in freedom and dignity.

Article 1 adopts the term "peoples" to which I have already referred. It also provides for the vital concept of self-identification.

Article 6 contains the basic principle of consultation and participation, at every stage, in taking decisions affecting these peoples at the national level. I recommend to you a careful reading of paragraph 2 of this Article.

Articles 7 to 12 cover various aspects of the relationship between the indigenous and national legal systems.

Articles 13 to 19 contain the vital provisions on land rights. They are complex and interlinked, and must be read in close relation with other provisions of the new Convention before their entire effect will be understood. As compared to the earlier Convention, the following merit particular attention.

- the recognition of collective land rights is included, along with the concept of "territories" used by some indigenous peoples.
- the right of ownership and possession are assured, along with the rights of those concerned even where there is non-exclusive use, and the land rights of nomadic peoples. There is an obligation on ratifying States to identify these lands and make the rights over them effective, and to establish procedures to resolve land claims.
- the right to natural resources pertaining to the lands is provided for, along with the provisions relating to cases in which States retain the ownership of these resources.
- there are rights in connection with the removal and relocation from lands, in cases where this is found to be necessary.

Other questions are covered in the other Articles of the Convention, many of them of great importance, and I will be glad to provide further information on them if you wish.

Before concluding I should like to salute the non-governmental organisations for the invaluable work they have done in this process. We all know that without them the international organisations would often be working

blind. More detailed information on their participation in the ILO procedure is contained in the additional report submitted to you. Many of these organisations participated very directly in the ILO's discussions. Those who participated in the ILO Conference often did not agree with what was going on, but I am glad to report that the Conference was informed at every stage of what they thought. They worked with us under difficult conditions, and they have to be congratulated on their devotion and their industry. Some of them – and I would single out the World Council of Indigenous Peoples, CISA and the Indigenous Peoples' Working Group of Canada – made enormous efforts between the two sessions to inform their constituents and to assemble information with which to inform the Conference of what was happening. I hope this will continue to provide a pattern for future action.

Resolution on future action

At the same time that it adopted the new Convention, the Conference acknowledged that a great deal remained to be done in practical terms, by adopting a resolution on future action. It was, of course, principally addressed to the ILO, but it also requested the United Nations and other intergovernmental organisations "to collaborate in developing activities to achieve the objectives of the Convention within their respective fields of competence". The Director-General will shortly be in touch with the Secretary-General of the United Nations, and with the other organisations concerned, in this respect.

Paper presented to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Geneva,31 July to 4 August 1989

by Sharon Venne

My name is Sharon Venne, a Cree from the Treaty Six area of Western Canada. I have been requested by the Indigenous Preparatory Meeting which met last week at the Palais to make an intervention on their behalf concerning our position on the recent developments on the revision of ILO Convention 107.

I was present at the meetings of the ILO. Prior to the reading of the resolution adopted at last week's meeting I would like to share some feelings.

In 1989, it is a peculiar feeling to have non-indigenous people talk about us as if we were invisible. Governments constantly referred to us as their indigenous or native people. We do not belong to them. We are not a commodity to be bought and sold. We are people with our own rights. We have our own forms of governments. Our own legal systems. The ILO saying that we do not, does not make it a reality. In the Indigenous world we will continue to carry on with our struggle to survive.

The ILO believed that having Indigenous Peoples present in the room would lend credibility to their plans. We have news for them. The only thing shown was a lack of respect for Indigenous Peoples.

At many times during the course of the meetings, government officials, employers, workers and officials were telling me: Indigenous Peoples are expecting to much. Is it too much to ask for respect? We should be respected like other human beings instead of being treated like plants or animals. We are constantly talked about as objects.

It was demeaning to have decisions taken about our lives behind closed doors. The ILO tried telling us – this is good for you since you are unable to make decisions for yourselves. This is paternalistic and racist.

We are not going to be good little Indigenous People and thank the ILO for a job well done. Indigenous Peoples all over the world will take every opportunity to condemn the process and the Convention. The ILO has given us ten years of speech material.

In looking at the ILO document, the only right which Indigenous Peoples still have is the right to die as an Indigenous Person.

We will not die. We will be here fighting each year. Fighting us only

Sharon Venne, a Cree from Canada, giving a statement before the ILO meeting flanked by indigenous representatives who have just staged a walk-out during the Swepston talk (photo: Andrew Gray).

gives us the power to struggle harder. There has been nearly five hundred years of colonialism incorporated into the ILO Convention. The neo-colonialist governments continue to deny us our rights. It cannot last for ever as our struggle is a moral and spiritual fight. On behalf of the Indigenous Peoples from all over the world, I present to you our resolution against the Convention.

Resolution of the Indigenous Peoples Preparatory Meeting in Geneva relating to the International Labor Organization's Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989.

The Indigenous Peoples Preparatory Meeting at the Palais des Nations from July 24 through July 28, 1989, after analyzing the Revised International Labor Organization (ILO) Convention on Indigenous and Tribal Peoples in Independent Countries, 1989;

Noting that the ILO has revised its Convention 107 and as a result has adopted the Indigenous and Tribal Peoples Convention, 1989;

Observing that the revision process was paternalistic and racially discriminatory;

Emphasizing that the revision process reduced Indigenous Peoples to

indirect and demeaning levels of participation and that the ILO only wanted Indigenous Peoples present to lend credibility to the process;

Recalling that the ILO is a most inappropriate forum to determine the rights of Indigenous Peoples;

Knowing governments and employers cooperated to profit from our lands, territories and resources;

Bearing in mind that the ILO did little to promote understanding or provide information on Indigenous rights to workers, employers and governments;

Knowing that we are peoples in international law and that pronouncements by the ILO does not change this status;

Determined that we shall retain our territories despite the ILO's attempts at limiting our territorial rights;

Denouncing the ILO's Eurocentric view of legal systems and knowing that Indigenous legal systems which existed prior to any international laws shall continue;

Bearing in mind that Indigenous Peoples shall view governments ratifying the revised Convention as exposing their intentions towards Indigenous Peoples;

Motivated by our desire to see international law reflect our real aspirations and rights, do hereby resolve:

1. Calls upon Indigenous Peoples all over the world to seize every opportunity to condemn the ILO and the revised process.
2. Calls upon states not to ratify the revised Convention.
3. Calls upon Indigenous Peoples to monitor the ILO and governments in the implementation of the Convention.
4. Calls upon support groups of Indigenous Peoples to urge states not to ratify the Convention and to publish lists of governments who ratify the revised Convention.
5. Calls upon members of the Working Group and the Sub-Commission on Prevention of Discrimination and the Protection of Minorities to condemn the racist revision.
6. Calls upon the Working Group to monitor the implementation of the revised Convention.
7. Calls upon governments and human rights experts involved in the process of drafting the Declaration on Rights of Indigenous Peoples not to repeat the mistake of the ILO.

8. Calls upon the Working Group, the Sub-Commission and governments to disregard the terms of the revised Convention in the process of achieving a meaningful development on the Declaration on Rights of Indigenous Peoples.

July 28 1989
Geneva, Switzerland

Excerpts from the Statement by the Inuit Circumpolar Conference to the Working Group of Indigenous Populations

by Dalee Sambo

In June of this year, a further human rights initiative took place within the International Labour Organization (ILO) in Geneva. Following a two-year revision process, the ILO adopted the *Indigenous and Tribal Peoples Convention, 1989*. This Convention represents a partial revision of the assimilationist and outdated *Indigenous and Tribal Populations Convention, 1957*. The 1989 Convention will become legally binding on those member countries of the ILO who choose to ratify this new instrument.

Dalee Sambo, from USA who gave a statement before the ILO meeting (photo: Kate Meensen).

In principle, the ICC applauds new efforts by the world community to establish international indigenous human rights standards. It is clear that adequate norms to govern the conduct of States are urgently needed in every part of the globe. In regard to the ILO, we feel that the results attained in the new Convention and the experience of indigenous peoples in the revision process are relevant to the mandate of this UN Working Group.

The revised Convention of the ILO addresses a broad range of issues that are of vital significance to indigenous peoples. However, we feel that the ILO did not achieve adequate international standards on a number of essential matters. In particular, we continue to be deeply concerned about the following aspects in the revised Convention:

1. A provision was added in an attempt to qualify the use of the term "peoples" when it refers the the world's indigenous peoples under the revised convention. We feel that it is unfair and racially discriminatory to try and limit our human rights as peoples under international law. Any attempts to subject our status and rights as "peoples" to a prejudicial double standard should be unequivocally rejected by the international community. These concerns were put forward by virtually all representatives of indigenous peoples in Geneva last June. However, the ILO did not choose to expressly consider the issue of discrimination when it discussed possible limitations on the use of the term "peoples" in the 1989 Convention.
2. Measures by national governments directly affecting us are said in the ILO Convention to be subject to "Consultations" with us in good faith. These measures often have far-reaching impacts on our lives and daily affairs and should be subject to our "free and informed consent".
3. Our rights to our own customs and institutions are not fully recognized. They may still be limited to some extent by the State.
4. Only land rights based on present (and not past) occupation are explicitly recognized.
5. Recognition of our rights to natural resources is far from clear. We are concerned that the wording of the revised Convention could open the door to all forms of resource exploitation, by State governments, in and on our territories and without our consent.
6. The revised Convention does not specifically address the key issue of treaty-making between indigenous peoples and States. Nor does it highlight the solemn duty of States to fully respect treaty rights and honour their treaty obligations. Moreover, explicit reference in earlier drafts to resolving "claims arising under treaties" through adequate procedures was deleted in the final version of the ILO Convention.

The ICC views the norms in the 1989 ILO Convention as only a first step that must be improved upon. In addition, we are committed to encouraging the adoption of uplifting and appropriate international standards through this UN Working Group and other available fora.

If adequate international forms are to be achieved, it is crucial that an increased and effective role for indigenous peoples be ensured in relevant international forums. In the case of the ILO, the most critical provisions in the 1989 Convention, pertaining to lands and resources, were not determined in an open and visible manner within the tri-partite ILO Committee. It is our firm position that, if the international bodies wish to effectively advance indigenous rights and eliminate racial discrimination, the established procedures of such entities must not be exclusionary in nature when applied to indigenous peoples. (.....)

Indigenous Focus

Saami women from both sides of the border meeting for the first time in 1989.

Indigenous Women on the Move: First International Indigenous Women's Conference

by Teresa Aparicio

Introduction

While the sixties and the seventies saw a rapid growth of indigenous organisations and the birth of an international indigenous movement, during the last two decades indigenous women have increasingly succeeded in organizing themselves and in putting forward distinct issues and concerns as women. Indigenous women are not only confronted with problems as part of class-divided societies within the countries they live in, and targets of national oppression and racism as members of indigenous societies, they additionally carry the burden of being oppressed because they are women.

The 1985 Nairobi Conference which ended the UN Decade for Women, highlighted the situation of indigenous women. It was a very important forum where indigenous women from all over the world met and discussed common issues. They evaluated the level and the extent of women's organizations, and they agreed as to the need to establish indigenous women's networks regionally and globally.

It was also at the Nairobi Conference where the United Nations Work Group on Indigenous Peoples (UNWGIP), submitted to the Conference the first UN Draft resolution on Indigenous Women's Rights (E/CN.4/Sub.2/1985/22, annex II). There are very few international legal instruments which are specifically directed to indigenous peoples' rights although indigenous peoples, as other societies, are entitled to all the fundamental rights and freedoms contained in the existing international instruments, such as the International Bill of Human Rights. A remarkable improvement in this connection is the work of the UNWGIP which since its establishment in 1982, and together with representatives from different indigenous nations, have been drafting a Universal Declaration of Indigenous Rights. It is expected that the Declaration will be completed during the next few years.

Likewise, within the frame of the Nairobi Conference, **Jo Willmot**, an

Aboriginal representative, saw the need for gathering indigenous women from all over the world. One year later, the Aboriginal Women's Working Party (AWWP) was established with the specific aim to co-ordinate the First International Indigenous Women's Conference.

Finding Common Ground

Under the theme "Finding common ground", about 1 500 indigenous women celebrated the First International Indigenous Women's Conference in Adelaide, South Australia, between 7-12 July 1989.

Among the international indigenous women represented at the Conference were the *Ainu* from Japan, the *Maori* from Aotearoa, and the *Igorot* from the Cordillera region of the Philippines. Indigenous women's groups from the Pacific region were represented at the Conference through the Pacific Women's Seminars & Resources Association, based in New South Wales, Southern Australia. Finally, a representative from Palestine and a representative from Northern Ireland were among the international women guests. However, as we will see later on, not everybody agreed that these two representatives were indigenous in line with the rest of the participants.

Aboriginal young women demonstrate for their rights (photo: courtesy of S. Pelczynski).

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The co-ordinators of the Conference expected about 400 participants and were overwhelmed when 1 500 women turned up. They were mostly Aboriginal women from all over Australia, including a large representation from the Torres Strait Islands. Many of the groups had to travel thousands of kilometers to the Conference by whatever means of transport were available, in buses, in cars, or by train.

Several Aboriginal women's groups came accompanied by their own healers, their elders, and their religious leaders. Aboriginal women artists from different parts of Australia exhibited their paintings and handicrafts; and dancers from far-away communities in Northern and Southern Australia came to perform secret dances kept in the historical records of their groups since time immemorial. The Maori and the Torres Strait women also danced and sang for everybody. During the evenings the Speeder Women's Theater, composed of North American Indian women, performed their plays which told histories of the clashes between indigenous and non-indigenous cultures, and the sufferings of their people.

The delegation from Samiland was one of the largest delegations among the international guests, with the exception of the Maori delegation. The Sami women, who were wearing their beautiful, coloured sami dresses caught the attention of the Conference, and were among the most popular guests for interviews from the public media.

Logistically, practical re-adjustments owing to the unexpected high number of participants, were tackled by both the co-ordinators and the participants with tolerance and high spirits. To be *on common ground* was clearly the overall priority.

Topics of the Conference

The Conference dealt with issues such as health, arts, nuclear power, lesbianism, education, racism and land rights. Each of the subjects was discussed in workshops and, later on, presented in the plenary sessions of the Conference. Furthermore, a number of well-known indigenous women researchers on indigenous affairs gave talks on specific issues. (A compendium of the talks and the papers presented at the Conference will be published by the AWWP.)

According to many of the participants, the Adelaide Conference marked a turning point for Aboriginal affairs in Australia. It was namely the first time that aboriginal women from all over Australia had the opportunity to meet and discuss their situation. It is therefore easy to understand that the historical importance of the meeting for Aboriginal women tinged the Conference. Nevertheless, throughout the Conference women's international solidarity was asserted by all the participants, and it was one of the

points included in the Declaration of Unity of the Conference (this declaration is reproduced at the end of this paper.)

Due to the small number of indigenous participants from abroad, an international indigenous women's workshop was established in order to discuss the different topics at an international level. Significantly, one of the first issues discussed at the international workshop was the situation of the Aboriginal women in Australia. This led to a statement from the international guests condemning the racism and exploitation that Aboriginal peoples suffer; recognizing the prior sovereignty of Aboriginal peoples in their land; and supporting the Aboriginal struggle for land-rights and self-determination. When the statement was read it was received with cheers and applauses from the nearly 1 500 indigenous women gathered.

Militarization of Indigenous Peoples

The issue of nuclear-free zones was discussed at the international workshop. The Sami women advocated for the establishment of an international network of indigenous women who would work to promote nuclear-free zones to protect the environment and to defend indigenous land-rights.

Another issue which elicited long discussions and detailed statements was the militarization of indigenous people's communities in Asia, the Pacific region, Central and South America. Examples were given on militarized indigenous communities where peoples like the Igorots from the Cordillera region of the Philippines, the Kanaks in New Caledonia, the indigenous peoples from West Papua and East Timor, the Karen people in Thailand and Burma, and the Indian nations in Central and South America, are experiencing bombings, strafings, forced evacuations, hamlettings, assassinations, arbitrary arrests, illegal detention, looting, tortures, rapes, and burning of houses and whole communities.

Evidence was presented showing that these atrocities are committed by military and paramilitary groups. Many of these groups are being supported by military aid coming from the governments of the United States, France, Australia, and Indonesia.

Indigenous Peoples seen as Colonised Peoples

The co-ordinators of the Conference used a broad working definition of indigenous peoples as "colonised peoples". Therefore, groups and nations which are normally not included in international fora such as the I.L.O. (International Labor Organization) and the UNWGIP were, this time, regarded as indigenous. In this way, representatives from Palestine, Northern Ireland, and South Africa, among others, were invited to the Conference.

Militarisation affects indigenous women all over the world. The women of the Philippine Cordillera have from time to time shown their resistance. Here they demonstrate against the assassination of a tribal leader (photo: IWGIA archives).

The issue became rather testy, when the Palestinian representative, **Hanan Awwad**, who had to leave unexpectedly, wished the Conference to pass a resolution endorsing the peace negotiations proposed by the Palestine National Council to the Israeli Government. That request was in disagreement with the agenda of the Conference agreed upon by all the participants, namely, not to deal with any resolutions until the last plenary session of the Conference when all resolutions would be dealt with at the same time.

An extraordinary plenary session was requested and held on the same day. Despite disagreements among the indigenous representatives, a motion in favor of the Palestinian peace negotiations was passed by a majority of votes. There were two main disagreements. Firstly, that according to the most used definitions on indigenous peoples such as the one used by the United Nations(*), the Palestinian people were not indigenous and therefore should not have been invited to the Conference.

The second disagreement was of a more organizational character. It was argued that the voting procedure was not carried out in accordance with the agenda of the Conference. Meanwhile, other groups maintained

that the Conference should be flexible when confronted with important issues. A group of Aboriginal women of the Kimberly region in Western Australia, expressed their disagreement in an open letter to the organizers of the Conference where they complained about the one-sided arguments put forward by a "highly skilled and trained Palestinian liberation fighter".

An outcome of the discussion was that the issue of defining indigenous peoples should be thoroughly discussed at the next International Indigenous Women's Conference.

The Torres Strait Indigenous Women

"We are indigenous women in -but not of- Australia", said the President of the Torres Strait Women's Organisation, **Ellie Gaffney**, from Thursday Island. She underlined that she was not talking about separatism, but was asking Aboriginal women to realise that the Torres Strait Islanders had a different cultural and ethnical identity from Aboriginal people. *We are here to seek recognition as a separate and racially distinct indigenous people*, added Ellie Gaffney.

The Torres Strait Islanders sent a large representation at the Adelaide Indigenous Women's Conference. In 1989, for the first time, a Torres Strait Islander, Helen Gaffney, addressed the Working Group on Indigenous Populations in Geneva (photo by Jens Dahl).

The demands of the Torres Strait Women were presented at the Plenary session of the Conference and were supported unanimously. Furthermore, the Torres Strait delegation decided to send a representative to the 7th Assembly of the UNWGIP held in August 1989, shortly after the Adelaide meeting at the United Nations headquarters in Geneva. This was the first time that the Torres Strait Islanders decided to participate in the United Nations as a distinct indigenous people in their own right. It represented a big and important step which brought the demands of the Torres Strait Islanders to the largest existing international forum on indigenous peoples.

Three weeks after the Indigenous Women's Conference, Ellie Gaffney held a moving and spirited talk about the situation and about the demands of her people at the United Nations. More than 400 indigenous delegates from all over the world, international UN agencies, international NGOs as well as delegations from more than twenty Governments, including the Government of Australia participated.

The Work ahead

The Chairperson of the Sami Womens' Association received massive support from the General Assembly at the Conference when she announced that the Sami Women were ready to host the Second International Indigenous Women's Conference.

It was also agreed to establish an interim planning group with representatives from Samiland, Australia, North and South America, the Pacific, Asia, and the Arctic region. The first meeting of the interim planning committee is scheduled for the beginning of 1990, in Karasjokka. It is expected that the Second International Indigenous Women's Conference will be held in the beginning of August 1990 in Samiland.

One of the immediate tasks for the interim planning group is to get ready for the formal establishment of an International Indigenous Women's Council. The role of the Council will be the following: to create a political platform and a network of communication for indigenous women all over the world; to formulate the priorities of the indigenous women and to share cultural, social, and spiritual experiences; to struggle for indigenous women's rights; and to apply to the United Nations for NGO status.

The Adelaide Conference held its closing ceremony with dance performances from Aboriginal groups and from the Torres Strait islanders, as well as with songs from the Maori women delegation. The international guests were called one by one and were given beautiful aboriginal handicrafts as a token of the solidarity of the Aboriginal women with all indigenous women of the world.

The First International Indigenous Women's Conference officially

Maret Sara, Saami woman leader will be at the helm of the Second International Indigenous Women's Conference which will be held in Karasjokka, northern Norway (photo: Claus Oreskov) in August 1989.

closed with a declaration expressing the unity and solidarity which had arisen during the Conference. The Declaration identified the enemies of the indigenous peoples and it asserted the indigenous peoples' right to self-determination, that is, their inalienable rights to their lands, their cultures, and their lives.

Declaration of Unity of the First International Indigenous Women's Conference

We, the indigenous women participants of this First International Indigenous Women's Conference, come together to find common ground in our issues, demands, aspirations, and struggles. We communicate in many tongues but we speak with one voice. We are the women of the land!

We assert our Universal right to self-determination, a right of all peoples as guaranteed in the United Nations charter. By virtue of this right, we should be allowed to freely determine our political status and freely pursue our economic, social and cultural development. Our dignity and self-respect reach back into our deep-rooted spiritual and historical ties with our beloved ancestral homelands. To uproot us from our lands, to impose changes

without involving us would destroy our dignity and identity as indigenous peoples. Without the land, the people are lost. Without the people, the land is lost.

We face powerful enemies that assault, dominate and try to eliminate us physically, politically and culturally – whose only interest is to usurp and gain control over our ancestral homelands and natural resources.

We live in a world which is dominated by multinational corporations who are only motivated by profit and power. These corporations work closely with our governments to facilitate their interests, through legislation and "development" programs which violate our rights as indigenous peoples and destroy our lands, our culture and whole lifestyles.

We affirm our solidarity with one another and with the land our mother, who through generations has witnessed our struggles drenched in blood. We express our firm belief that only in solidarity with one another and with other oppressed women and peoples of the world, shall our struggles for self-determination and sovereignty prevail.

(*) According to the United Nations, indigenous people are Indigenous communities, peoples and nations which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems. (Martinez Cobo, Jose R. Study of the Problem of Discrimination against Indigenous Populations. Para.379, Vol.V, United Nations, Geneva.)

Map showing the distribution of indigenous peoples of the Soviet North and Far East

Indigenous Peoples of the Soviet North

by Jens Dahl

Everyday news reach us about the latest development in the Soviet Republics, from Armenia, Azerbaijan, from the Baltic Republics and others. In these Republics the majority usually consists of ethnic Armenians, Azerbaijanis, Estonians, Lithuanians, etc,. These people speak their own language (different from Russian), have their own religion, culture and history and each Republic has its own Parliament. The Soviet Union consists of 15 of these so-called "Union Republics"; by far the largest is the Russian Socialist Soviet Republic (RSSR).

There are, however, a large number of ethnic groups without their own Republics; the majority of these are small indigenous peoples living within the borders of the Russian Socialist Soviet Republic, mainly in the vast territory of geographical Siberia, which belongs to RSSR. Most of these small indigenous peoples live under Arctic on Subarctic conditions with a large number of them pursuing their "traditional" livelihoods, such as reindeer herding, hunting, trapping and fishing.

Today these people are being outnumbered by immigrating ethnic Russians, Ukrainians, etc. Although still inhabiting their traditional territory the small indigenous peoples of the Siberian forest, *taiga* and *tundra* have lost control of their own destiny. In the local Soviets (municipalities), in district and in regional bodies the indigenous peoples have lost control to the immigrants.

These facts should be kept in mind, because even though Armenians are the indigenous peoples of Armenia, as are the Nenets of Yamal Peninsula, the former has its own self-governing territory while the latter is a minority in its own country, outnumbered by Armenians, Russians or Ukrainians. It should further be kept in mind that somehow all people in the Soviet Union are *natives*; but not all people are *indigenous* to the territory in which they reside. Thus, an Armenian living as a railway construction worker on Yamal is maybe indigenous to his own home republic, but he is not an indigenous of Yamal. In their passports each citizen of the Soviet Union indicates, by own choice, his/her nationality (Russian, Nenets, Armenian etc.).

The focus of this article is on the 26 "small peoples of the north and

far east", as they are usually called. Their numbers are given in the table below, and the map indicates the location of each indigenous group.

The 26 officially recognised "Small Peoples of the North and Far East" and their numbers in 1979 and 1989 are listed below:

	1979	1989
Aleuts	546	702
Chukchee	14 000	15 184
Chuvans	–	1 511
Dolgans	5 053	6 932
Entsy	350	209
Eskimos	1 510	1 719
Evenks	27 531	30 163
Evens	12 286	17 199
Itelmens	1 370	2 481
Kets	1 122	1 113
Khants	20 934	22 521
Koryaks	7 879	9 242
Mansi	7 563	8 461
Nanais	10 516	12 023
Negidals	504	622
Nenets	29 894	34 665
Nganasans	867	1 278
Nivkhi	4 397	4 673
Orochi	1 198	915
Oroks	450	190
Saami	1 888	1 890
Selkups	3 565	3 621
Tofalars	–	731
Udege	1 551	2 011
Ulchi	835	1 142

There are two indigenous peoples who have their own autonomous republics, and their official status is therefore different from the 26 small indigenous peoples of the North. These are the ***Komi*** *(1979: 480 000; 1989: 344 500) and the* ***Yakuts*** *(1979: 328 000; 1989: 382 000). However, the situation of the Komi and Yakuts is very similar to that of the 26 small indigenous groups. Finally, several indigenous peoples are not recognised at all, and their situation is even more precarious than those who have an autonomous republic and live within "their own" autonomous area.*

Since 1989, the IWGIA Newsletter has regularly published articles on these peoples, a trend which we will continue to pursue. This Yearbook article gives an outline of the actual situation of these people. The information used

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has been taken from publications in Russian, English and other languages, from indigenous peoples of the area and from information obtained when IWGIA in 1989 visited the Northwestern part of Siberia.

The Current State of the Small Peoples of the North

In 1988 and 1989 a very important change in the public's perception of the situation of Soviet Union's small indigenous peoples took place. The new openness of the media, and even within the ranks of the Communist Party revealed enormous discrepancy between what had officially been told for years and the documentation now currently presented by scientists, authors and indigenous representatives: cultural destruction; people being driven away from their land by oil companies and now living in utmost poverty; alcoholism; although the indigenous peoples of Siberia live in the harshest climatic conditions in the country, they often live in housing of the lowest standards in the country. Health conditions are generally extremely low with high incidence of, for example, tuberculosis. The new director of the Ethnographical Institute at the University of Moscow, Valerij Tishkov, wrote in 1989 that "in the last decade, the average life expectancy among natives of the Far North decreased from sixty-one to forty-seven years" (Third World Quarterly, Oct. 1989).

The central organs of the press and the many local and regional newspapers began to write openly about the conditions of the small peoples of the North. Letters appeared which heavily criticised the living conditions and Soviet policy in the North.

A critical factor has been the lack of political representation by the indigenous peoples. In theory, most of the small peoples of the north are living in so-called national autonomous regions and districts which were established in 1930 in order to allow all peoples to have their own local government. The fact is, however, that immigration from all other parts of the Soviet Union has made most – if not all – small indigenous peoples, as minorities in their own "national autonomous regions and districts". Today the aboriginal peoples of the North make up from 3 to 23 per cent in the autonomous areas. This made anthropologist Michail Chlenov to say that, from a juridical point of view, the concept *people* has no meaning in Soviet North. The term *people* is fiction, says Chlenov, as none of them have their own political representation. (Sovetskaja Kultura 11. Feb. 1989). The local Soviets and the autonomous districts, like the Yamal-Nenets Autonomous Area, are in principle the *people's* representative institutions, but in practice they are completely dominated by ethnic Russians and other immigrants with the latter making up 80 or 90 per cent of the inhabitants.

The Nenets of Yamal peninsula are reindeer herders and move their camps during summer and winter (photo: Martin Sac, MHR).

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With these facts in mind, it is only natural that the question of political representation was raised by indigenous peoples when *glasnost* reached the taiga and tundra.

A political breakthrough came when Vladimir Sangi, indigenous *nihver* author proposed, at a meeting in the Russian Republic Writers Association, the creation of a nationwide organisation of the "small peoples of the north". Since then, cultural clubs and societies have been formed in towns and autonomous districts and a founding meeting of the national organisation is planned to take place in Moscow in March 1990.

For the general public, the most significant change came as the ecological state of many areas of the North became known. Anthropologist Igor Krupnik writes:

> ... it became clear that unbridled industrial expansion had already ruined the ecological balance in many regions of the Soviet Arctic, and that its continuation would lead to an ecological catastrophe, above all for the native population. Two gigantic industrial projects in particular became symbols of this: the exploitation of the gas deposits in the central part of the Yamal Peninsula and the construction of the Turukhansk hydro-electric dam in the territory of the Evenky people. Both of these were stopped on official instructions as threatening the culture of the indigenous population and their use of the environment. (in press)

As further stressed by Krupnik, the significance of industrial expansion and of newly acquired ecological knowledge is that "the fight for clean land and water and for the preservation of hunting grounds and pasture, becomes indistinguishable from cultural, ethnic and even socio-political demands".

The Turukhan Project

The planned construction of a gigantic hydro-electric power plant at the Nizhnyaya Tunguska River in the Evenk Autonomous Area was one of the projects which pressed forward the first open indigenous protests against the exploitation of their territories.

At first, there was nothing new about the Turukhan project. The planners projected the dam, the power plant and the water reservoir. The indigenous Evenk people who inhabit the area are reindeer nomads, hunters and fishermen. They stood to lose a large part of their territory in the flooding of the reservoir. However, the planners had not anticipated the protests which arose against the project among the local population. Arkady Kudrya from Novosti Press Agency said:

The time when people accepted any decision imposed on them from above had gone. If a decision was fraught with changes in people's lives, they wanted their voices to be heard, too. Having considered all pros and cons, the Evenks said their firm no to the project. Reflecting their mood, their local government voted against the project, too.

The protest received further momentum as the Evenk writer, Alitet Nemtusjkin, brought the case with him to the 19th National Party Conference in Moscow in 1989. To the Presidium of the Conference he submitted a protest against the proposed dam, signed by five thousand residents of the area.

Exploitation of hydrocarbons in the homeland of the Nenets people (photo: Alexander Pika).

Alitet Nemtusjkin writes:

> The designers are not planning to cut a single tree in the flood area. They say that local timber is not good for building purposes. Beasts will flee and reindeers and elks will not be able to swim across such vast water expanses. But the worst thing is that nobody is certain yet about the ecological hazards of the project that may result from a man-made sea in the North, though some lethal consequences can be predicted even now. A reservoir will affect the climate in the Evenk Area. We have biting frosts here, down to 50-60 degrees Celcius, but the air is dry and frosts are endurable. If it becomes more humid -and it will be, as indicated by the experience of the Krasnoyarsk hydro-project- nobody will be able to survive here under such frosts. But here is something else. Geologists predict that a reservoir will destroy the permafrost layer. As a result, oil which we know is here and saline waters will rise via cracks in the earth crust and turn the reservoir into a *dead sea (APN)*.

Yamal Peninsula

One of the world's largest reserves of natural gas has been discovered in northwestern Siberia, in the Yamal peninsula. About three times the size of Denmark, the Yamal peninsula lies north of the mouth of the river Ob. Yamal lies north of the permafrost line, and the surface is made up of flat Arctic tundra, intercepted by a large number of lakes and rivers.

Even without discovery of gas at Yamal, northwestern Siberia is the most important oil and gas producing region in USSR. Oil is extracted from the forest and taiga regions north of the regional capital, Tyumen, and gas comes from the taiga-tundra regions to the north, mainly around Urengoy. It is from this area that gas is exported to countries in Western Europe.

These huge gas discoveries have been found in the Yamal-Nenets Autonomous Area (Okrug) and Khanty-Mansi Autonomous Area, the traditional homeland of the Nenets and Khanty peoples. Before the Russian occupation, the country was occupied by reindeer-herding peoples who followed their herds on the annual recurring migrations; they, furthermore, subsisted on fishing and hunting.

Even today reindeer herding is the most important occupation to the area's indigenous peoples. Among the indigenous groups, the Nenets, inhabitants of Yamal peninsula, are considered one of the most "traditional" peoples of Siberia, the majority relying on reindeer herding, hunting and fishing as their main activities.

This occupational pattern is now severely threatened by the prospect of large-scale exploration of natural gas from the area. Even today, after 15 years of exploration (no exploitation has yet taken place on Yamal) a large area of tundra and taiga has been demolished. Furthermore, observers and

the people themselves have no illusions when it comes to the survival of indigenous cultures within the prospect of a non-controlled industrialisation of the area.

In the two local newspapers, *Krasnyj Sever*, published in Russian and in a Nenets version, very critical articles were published by members of the local intelligentsia while anthropologists and others also wrote articles in countrywide journals and newspapers criticising the development on Yamal.

The more organised protests came from scientists participating in a Gosplan meeting (see IWGIA Newsletter no.58), who succeeded so far that a one-year moratorium on further developments on Yamal was ordered by the authorities in Moscow.

The Yamal case is illustrative of several of the most precarious questions which the indigenous peoples of Soviet North are facing today. Since, furthermore, IWGIA was able to visit the area in 1989, Yamal is taken as the point of departure in the analysis of some of these questions.

The Ethnic Question

As in so many other areas, indigenous peoples are a minority today in the Yamal-Nenets Autonomous Area. The figures given to us are as follows:

Nentsi	17 400
Khanty	6 500
Selkup	1 600
Komi	5 600
Russians	93 750
Others	33 865

"Others" includes other non-local people such as Ukrainians or Armenians. To this figure should probably be added transient labourers who work on the Yamal railway, on the gas fields in Urengoy area and on gas exploration sites on Yamal.

The majority of Russians and "others" live in the larger towns of Salekhard, Labytnangi and Yamburg; thus, in Salekhard, of a total of 30 000 inhabitants only 1 500 are indigenous, which includes many children in boarding schools. On the other hand indigenous peoples make up the majority in villages and reindeer *sovkhozes* (statefarms).

Hardly any indigenous persons are employed at the gas exploration sites or among the railway construction teams (we have a figure of less than 10 persons). But there seems to be a significant unemployment rate among indigenous peoples. This is partly explained by the state of affairs related to reindeer herding, hunting and fishing.

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Reindeer herding on Yamal and the areas bordering the peninsula to the south and southeast are dominated by statefarms. Reindeer herding on Yamal is still mainly a nomadic activity, the herders moving with the animals every day, summer and winter. On the tundra, people are living in small groups; in one camp visited this summer there were 10 tents and 70 sleds which were drawn across the tundra every day by reindeer. In early winter the herds move south and cross the Ob to pastures south and east of the river.

Today this nomadic way of life is considered very unattractive by young people, many of whom prefer life in villages with access to modern comforts. It was stressed to us that young women specifically dislike the nomadic way of life. The problem is that very few of these young persons have the qualifications and the education needed for jobs in towns or with the construction companies.

In other regions occupied by the Nenets (there are Nenets autonomous areas west and east of the Yamal-Nenets Autonomous Area) a more settled way of reindeer herding has developed. Here people move mainly between two places and only the herders move around with the animals constantly and working on a rotation basis. In the future this development is expected to take place on Yamal too.

Besides the sovkhozes, some reindeer are owned privately (according to the journal Krasnyj Sever, Yamal has 180 000 reindeers of which 80 000 are owned privately). "Workers" (the reindeer herders work on a salaried basis) in the sovkhozes as well as other people have small herds. Private herds of 10-20 animals also exist. Those Nenets not working in sovkhozes live by hunting during winter, and fishing during the summer. We visited the village of Gornoknyazyersk at Ob, north of Salekhard, a village of settled Nenets and Khanty people. Many of the settlements on the coast of Yamal and along the Ob have a mixed population of Nenets and Khanty who are fishermen, trading fish with a boat coming regularly from Salekhard, as well as hunters of fur animals. They also have some small herds of reindeer, which are taken care of by paid herders.

People complain generally of the increasingly critical conditions among the people living off the land. Pastures on Yamal have been decimated owing to the many exploration activities and the building of a railway north from Labytnangi. Furthermore, pollution is now a serious problem because of oil spills in the southern parts of the Ob and its tributaries, and because of the pollution of the tundra, lakes and rivers on Yamal. There are also less fish now than years ago and the number of fur animals harvested are said to be on the decrease.

The general impression is that indigenous peoples have a relatively low living standard, specifically compared to transient workers employed on the gas project. Housing standards are generally low, and many people are

suffering from tuberculosis and other diseases. Furthermore, it has been stressed that gas exploitation on Yamal will *not* lead to increased income among local people or local communities generally, nor among the indigenous peoples specifically.

The rather dismal conditions of Nenets, Khanty and other small peoples of the North have given rise to a general discussion concerning the future development strategy to be adopted by these peoples. Many of the viewpoints raised are contradictory, but the most important factor is perhaps that the theme is now under serious discussion by scientists, bureaucrats, political representatives and others. At one extreme it is agreed that the industrial opening of the north is inevitable, and that indigenous people have to follow the mainstream. This viewpoint is, of course, severely opposed by the indigenous peoples themselves. However, the other extreme suggested by the writer Vladimir Litjutin, to establish indigenous reservations seems to be discarded by other fellow indigenous persons, like the writer Yuri Rytkheu (APN/Ogonjok nr. 17, 1989). It is more generally accepted that today and in an unforseeable future, there is *no alternative* to reindeer herding, hunting and fishing. Therefore, the developmental strategy should take its point of departure from this fact, and the role of oil, gas and mineral exploitation should be built on this fact too.

Indigenous land rights and compensation

There is no ownership of land in USSR as is known in most countries of the West; thus indigenous peoples have no title to "their" land. So, when for example reindeer pastures are being occupied by gas-related activities, it is not literally taken away from anyone. Still, the law in USSR deals with what seems to be similar to expropriation in Western countries.

The sovkhozes of Yamal have some kind of use-rights to the land they occupy (land also used by herds owned privately). So, before some of this land can be used for other purposes, an act of expropriation should take place. In the case of smaller areas, the expropriation can be made by local authorities, but in case of larger areas this should be done at the level of the region, *Oblast*.

A major complaint against development on Yamal has been that no expropriation at all has been made; neither in relation to railway construction, nor prior to the gas exploration activities. Thus, the sovkhozes have not been consulted before the establishment of the aforementioned activities. There seems to exist a law, but the state construction firms have not abided by this law; this is how the people explain the situation.

Usually, compensation is not paid to those bound to lose land -a sovk-

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Khant village leader outside a traditional "chum", a tent.
Photo by Jens Dahl.

hoz for example- but instead goes to the state. However, a new law from early 1989 stipulates that in the case of indirect loss, compensation could be paid directly to the claimant; and the money compensation can be quite significant. This has not yet happened on Yamal, however.

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Whatever happened and whatever the law says, people have now been promised compensation from, among others, the Oil and Gas Construction Ministry in Moscow. This was confirmed in person by the Vice-Minister, Ivan Ivanovich Mazur, at a meeting in August 1989. The compensation promised is quite substantial, about 500 million rubles.

However, it is far from clear which people are to receive the compensation money: the local Soviet, the sovkhozes or the indigenous peoples. The Vice-Minister was quite candid when he admitted that it was unclear who represented the indigenous peoples and what their political prospects would then be in the future.

Even if the compensation money flows up to Yamal, a lot of critical questions will be raised : What is the future to the people if the land is definitely lost – be they rich or not? How can a group of nomads use this enormous compensation money in a relatively short span of time? How much of the compensation money needs to be used to repair damages already done? Questions like these explain why some people from Yamal fear the compensation issue and prefer not to have activities of this kind before the land and the culture are safeguarded.

Political Questions

Salekhard has two weekly newspapers. One is published in Russian and distributed over the whole Yamal-Nenets Autonomous Area, and the other is published in the Nenets language and printed in only 400 copies, but distributed to Nenets in the Okrug, as well as to those living in the autonomous areas to the east and west. The publishing of a Nenets newspaper is seen as an important step in reviving the language, even though many Nenets, including the editor himself, prefer to read Russian. These two newspapers have a common publishing house in Salekhard and I think it is correct to say that they have taken a very radical stance in a number of cases.

These local newspapers have published complaints of the way the whole Yamal gas project has been handled by the authorities in Moscow and the complaints are in a very critical tone. Articles published in Salekhard are sometimes used by countrywide magazines and newspapers, among them *Severnye Prostory* (Northern Wilderness), a magazine very supportive of the indigenous peoples of northern Siberia.

Everyone seems to agree that protests are primarily coming from the intelligentsia, Russian as well as Nenets. Among the latter is the writer and editor of Nenets broadcasts from the local radio station, Anastasija Lapsuj.

It is important to notice that these protests have been put forward with

so much strength that authorities in Moscow have felt pressed to issue a one-year ban on further exploration activities in Yamal, which delayed the process somewhat but current activities are allowed to go on. This moratorium is the focus of a fight by the people who wish it extended and they are arguing for a total ban of gas exploration and exploitation unless the following conditions are met:

1) No activities should take place on Yamal without the assurance that the methods used do not cause irreparable damage to the tundra. The methods being used today are definitely not acceptable.
2) The future of the indigenous peoples and their cultures should be guaranteed.
3) Gas development on Yamal should be agreed upon by indigenous peoples as well as by scientists.

For a long time very few public protests have been heard from the people of the tundra (the reindeer nomads) – those most affected by the gas project. Only recently have protests from this group arisen in public through the local newspapers and radio. To explain this we should realise that people of the tundra have very little education, that the decentralised settlement structure makes it difficult for people to meet, that people have been suppressed for years and that political glasnost is no more than but a few years old.

Nevertheless, the most dramatic protest has come from the ordinary people, mainly the Khants. Access to a small section of the Ob was physically blocked by a large group of boats to stop gravel digging which was taking place at an important fish-spawning place. The physical blockade made it impossible for the workers to come to the area, but the company was not physically able to remove the people. In this case, the fishermen obtained support from the local soviet, and gravel digging at the location was stopped.

Until recently there was no indigenous organisation in the area and in the official bodies the indigenous people are not represented. There are however indigenous representatives in, for example, the local soviet, but they are far outnumbered by non-indigenous persons. Such indigenous representatives are elected in electorates with a majority of indigenous inhabitants, i.e. the small communities of the tundra and taiga regions. It should thus be noticed that all indigenous representatives in, for example, the local soviet are elected by a whole community and not by a specific indigenous voters list. There has been a proposal recently to have a kind of two-chamber Soviet, but it is impossible to say how serious this proposal is.

In the larger Tyumen region (Tyumen Oblast), the Yamal-Nenets Autonomous Area has three seats. One seat is occupied by a Khant, a person generally said to be in favour of gas development on Yamal.

Small People of the North

The development within the Yamal-Nenets Autonomous Area is by no means unique, and the problems experienced in this area are representative of those facing all peoples of the North.

There has been much talk about an ethnic organisation of the small peoples of the North, but the problems have been many. If we look at the nomadic people in the Yamal area, for example, it is obviously very difficult for people to get together in meetings. Another factor is that people have no organisational experience.

A precondition to founding an umbrella organisation has been that each ethnic group is organised among themselves. But this is exactly what accounts say is taking place from the Saami people in the west to Eskimos (Inuit) in the east. In November the indigenous peoples of the Yamal-Nenets Autonomous Area (Nenets, Khanti, Komi, Selkups) had their first founding congress. "Yamal for posterity" is the name of the Nenets' association on Yamal peninsula. At a meeting in December in Naryan-Mar, in the Soviet European Arctic, delegates representing Yamal-Nenets, Dolgan-Nenets, Evenki, Khanty and Mansi met and discussed common problems and the establishment of "Small Peoples of the North".

In the oil-extracting zone north of Tyumen, people of the Khanty-Mansi Autonomous Area have named their association "Saving Yugra", which is the ancient name of the district. The head of this organisation, Tatyana Gogoleva, has suggested the creation of vast preserves for the indigenous residents' economic activity with priority rights over the use of nature. The industrial development of these zones will either be cut drastically or stopped. The idea has been supported by the district soviet.

Also, in late 1989, the Saami people of the Kola Peninsula met and organised a new Saami association. *Arun*, meaning revival, is an association of the 25 000 indigenous peoples of the Evenk autonomous district. About 100 delegates participated in the constitutional conference in Tura, capital of Evenkia. This association has been set up to protect the ethnic culture and the Sami way of life. The result of this recent development is that a national Small People of the North organisation is expected to be established in early Spring 1990.

Besides this national trend, indigenous peoples of the Soviet Union are now looking abroad to co-operate with other indigenous peoples. Eskimos are now allowed to cross the Bering Strait, and visit "relatives" beyond the Soviet-US border. According to the Alaska newspaper, Tundra Times, the agreement says that "relatives" shall mean blood relatives, fellow clan or tribe members, or Native inhabitants who share linguistic or cultural heritage with inhabitants of the other territory.

A large delegation of Chukchi and Eskimos participated in the Inuit

Circumpolar Conference's general assembly in Greenland during summer 1989, and delegates from the Nordic Saami Council visited the Saami people of Kola Peninsula. All these developments point unequivocally towards a more open policy towards small indigenous peoples of the Soviet Union.

Indigenous Land Titling in the Peruvian Amazon

by Andrew Gray and Søren Hvalkof

In 1989 the Peruvian indigenous umbrella organisation AIDESEP (Interethnic Association for the Development of the Peruvian Amazon) succeeded in getting the economic support, effected through IWGIA, from the International Development Agency of the Danish Government (DANIDA) to carry out a large-scale land titling project for Native Communities in the Ucayali Department of the Peruvian Amazon.

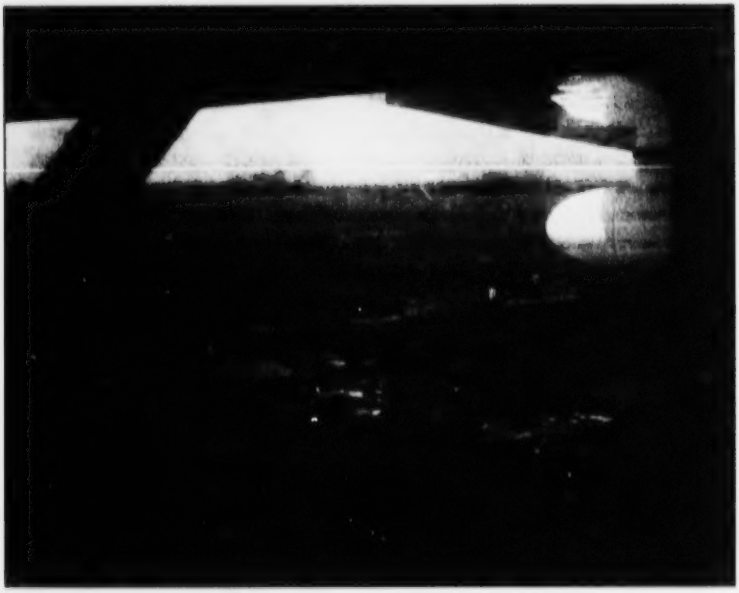
The communities for titling are situated within the five provinces of the Department of Ucayali: the province of Atalaya, the province of Coronel Portillo, the province of Purus and the province of Padre Abad, near Pucallpa. The last province is temporarily excluded from the project plans because of political unrest.

The Department of Ucayali covers some 102 517.18 sq.km. of dense rain forests. According to AIDESEP figures, there are at least 190 native communities in the Ucayali Department. However, as the inscription and titling process continues, it is clear that there are far more which have not been previously documented.

General background

Peruvian legislation contains a law of Native Communities which guarantees inalienable rights to indigenous peoples' territories. The law, although by no means perfect, is one of the most progressive in South America. Since the present law was passed in 1978, many indigenous communities have received titles to their lands, but the procedure is complicated, expensive and slow.

The importance of land titles for indigenous communities cannot be over-emphasised. In a country where socio-economic resources are scarce, the threat to indigenous peoples of the Peruvian Amazon has never been stronger. Political unrest, spontaneous colonisation and an entrenched history of oppression have all contributed to make the position of indigenous peoples in Peru precarious.



Aerial view of the lush Peruvian Amazon, Atayala province where the land titling project is being carried out (photo: Soren Hvalkof- Andrew Gray).

Without land titles the resource base of indigenous peoples is insecure and any form of development over which they have control is practically impossible. The APRA government of Alan García has made it clear in several public statements, that it was prepared to title all indigenous community lands by 1991. When pressed, however, the government has complained of lack of resources.

In order to deal with this stalemate, the indigenous organisation, AIDESEP, approached the Peruvian Ministry of Agriculture in 1986 with the intention to work out an agreement on a land titling programme. AIDESEP was particularly concerned about the land situation and the working conditions of the indigenous populations in the Province of Atalaya, which was a result of disquieting reports on the growing conflicts in the province between colonists and indigenous peoples. Conclusively an official agreement was signed between the Ministry and AIDESEP around Christmas 1988, according to which, the whole of the Ucayali department could be titled in two or three years, if AIDESEP provided the extra resources necessary for titling.

On the basis of experiences of land titling in the neigbouring area of Gran Pajonal, AIDESEP decided to work out a project proposal and presented it to IWGIA. Meetings were held in 1988 in Santa Cruz (Bolivia), Lima and Amsterdam, with AIDESEP, IWGIA and consultants to elaborate on the optimal project proposal.

Finally in spring 1989 AIDESEP sent IWGIA the project proposal which it then sent to DANIDA and was approved. The Project is ambitious, but the Ministry of Agriculture, AIDESEP and IWGIA all see it as an important step in recognising indigenous rights in Peru and making development possible.

Atalaya has long been a centre for the exploitation of indigenous peoples. The local *Ashaninka, Piro, Conibo* and others were caught up in the rubber boom at the turn of the century, and have been subjected to human rights abuses ever since. Some Ashaninka were taken as slaves by patrons more than 50 years ago and their descendants are still tied to local farms. As recently as 1954, private slave markets took place in Atalaya (Renard-Casevitz, 1980:249).

Although human rights abuses have been reported from the Atalaya region over the last thirty years, systematic documentation has only appeared since 1986. Indigenous representatives of AIDESEP and the Danish anthropologist Søren Hvalkof first alerted non-governmental organisations to the continuing existence of slavery in the region. During 1988 AIDESEP made a detailed document of abuses between 1984 and 1987 (AIDESEP, 1988), and on this evidence the Indigenist Institute of Peru (IIP) visited the area. In response to the IIP report, an official multi-sectoral Commission investigated the abuses, and produced a report in August 1989. This report has been received and acknowledged by the Ministry of Justice. The report is a devastating account of slavery, murder, disappearance, land invasion, physical abuse and cultural genocide against the indigenous peoples of the region.

The peoples and the situation of the Atalaya region

The indigenous groups

Atalaya is a town which lies at the point where the Rivers Tambo and Urubamba unite to join the Ucayali. The area under discussion ranges from the mouth of the River Sepahua in the lower Urubamba in the south to Bolognesi in the north, and from the slopes of the Gran Pajonal in the west to the Upper Purus in the east. Officially there is a total of 12 400 indigenous and non-indigenous inhabitants in the area. However, since land

Local office help hired for the land-titling project (photo: Soren Hvalkof and Andrew Gray).

titling began, it seems now that this figure is a conservative estimate of the indigenous population alone.

The local *Ashaninka* (occasionally known as "Campa"), *Shipibo-Conibo* and *Piro* live in communities consisting of scattered or nucleated settlements in a particular area, under the influence of one or more headmen. There are at least 120 communities in the area which have been classified by the Multisector Commission's report (p.3) into two types: free communities and captive communities.

Free communities maintain a certain autonomy and have access to their resources, although they face the constant threat of land invasions by encroaching colonists. "Captive communities are those whose ancestral lands have been seized and...who are forced into servitude for the cattle and wood producing farms for little or no return. They are reduced to being permanent workers with no capacity to dispose of their goods or even their own lives. Servitude in many of these cases has the characteristic of slavery. The patrons openly admit: "Here there is no law of the State, only that of the Patron" (Multisector Commission, 1989, p.3)"

An account of a "captive community" was given in an *Informe de Infracciones Forestales Recopiladas en Atalaya y Presentadas ante la Direccion General de Forestal y Fauna*. Headman Estalin Quinticuari Nicolas of Diobamba gave an account of life under Cesar (Caña) Cagna, patron of the Chanchamayo and Pacaya farms:

> The patron has enslaved the community. He mistreated and injured community member Teobaldo Camaiteri and forced his family to do lumber work and prevented them from escaping. There was no pay. The patron hit a youth from Unini with the barrel of a gun and the boy disappeared. No one knows if he is dead or alive now. Two villagers were held by force of arms and beaten until they were severely injured (Estalin Quinticuari and Elias Sanchez). On their recovery the patron denied them water for two days. He forces under-age children to work, one of them is Santiago Carlos Tamani, who is fifteen, the boy has never returned to his community and no one knows his whereabouts. (page 4)

No statistics are available on the exact number of "captive communities", but the Commission received human rights denunciations of slavery in 17 farms out of the 47 in the area. This indicates that possibly one third of the indigenous communities in the Atalaya region have been affected by slavery and debt bondage in recent years.

Non-indigenous groups

Old colonists

This group is made up by a mix of descendants from the first European colonists in the area who immigrated during and after the rubber boom just

after the turn of the century, and the *mestizos* coming in during the colonisation of the neighboring areas of Chanchamayo, Satipo and Gran Pajonal. This latter colonisation wave took place from the 1930s up to the 1960s. These *colonos* all strongly identify themselves as white Europeans, and boast about this heritage, which to a certain degree, is reflected in their surnames.

The atrocities committed by the "rubber barons" of the area around the turn of the century and through the 1920s apparently set the social standards of settler behaviour in the Atalaya area. Slave raids and slave trading with Indians have been common up to the 1950s and to a certain degree has been going on until the present.

These colonists form a numerically small, but politically powerful group, occupying and controlling most of the public and political posts and offices at the provincial level (Atalaya). Their economy is based on timber exploitation, agriculture, cattle raising and commerce. Whatever production or combination of production the settlers may have, they are all based on harsh exploitation of the Indian labour force, which is obtained through debt-relationship (*enganche*), work contracts, feudal relationships or simply as outright slave labour. The enslaved Indians, the majority of whom are Asháninka (Campa), have often been living their whole lives at a patron's farm (*fundo*), as a part of his personal belongings. These slaves and farmhands have often been bought as small children by the patrons from local slave raiders or intermediary slave dealers. The slave raids were performed by local Indians who were financed and armed by patrons from the Atalaya area. The patrons have situated their *fundos* precisely where major concentrations of indigenous populations are located, and where traditional trading routes along affluents end at the Ucayali river, thus to a certain degree controlling indigenous population movements and migration.

Although the location of these old *colono fundos* are found on the best alluvial soils along the river banks of the Ucayali, it is not necessarily the most important areas for the indigenous groups in terms of traditional native production. This especially applies to the *Ashaninka* in the Upper Ucayali, who are interfluvial residents and who constitute the majority of the indigenous population of the Atalaya area. The most crucial factors for these fundos are: 1) the strategic location in relation to labour force and 2) the logistic advantages of riverside location.

The ongoing titling process has caused a major "exodus" from these fundos of enslaved or "kept" Ashaninka farm labourers, who, encouraged by the Project and the legal actions taken by AIDESEP, now claim their freedom and land rights in areas surrounding the fundos. This sudden drainage of labour force has put severe pressure on the colono economy, which is completely dependent on very cheap or free Indian labour.

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Drying cacao beans, a local cash crop, under the sun on drydocked dug-out boats (photo: Soren Hvalkof-Andrew Gray).

The new settlers

The new settlers, also named colonos, are all so-called *serranos* or highlanders who, within the last 10 – 15 years have migrated from the Andean range towards the lowlands of the Amazon in search of land and a better fate. They are mainly of Indian (*quechua*) peasant heritage, but do not acknowledge (publicly) the Indian aspect of their background. They have a pronounced anti-Indian ideology, and often see themselves as the vanguard

of national Peruvian civilisation. They have invaded indigenous lands all over the region, but are mainly concentrated on the Urubamba River south of Atalaya, whereas there is relatively few of them on native land north of Atalaya in the Ucayali River area. They generally have ambitions of becoming like their former patrons at the haciendas in the Andes. Like the real patrons of Atalaya they seek to exploit the native labour in somewhat similar manner through debt-relationships, but normally they hold neither the economic nor the political means to reach the goals of "el gran patron".

It should be remembered that many of these peasant colonists are *de facto* refugees, escaping the utmost inhuman and unbearable social conditions in the Andean highlands, where they find themselves caught between the subversion and the military oppression. These new settlers are less of an immanent threat to the indigenous peoples of Atalaya region than the old colonists, although the continuous stream of land invasion is a long-term problem for the communities. Furthermore, the new settlers continue to reproduce the patterns of racial prejudice and discrimination which place the Ashaninka, Piro and Shipibo-Conibo and other indigenous people at the lowest level of the social and local hierarchy.

Human Rights Abuses

The main economic resource in Atalaya is wood. The rain forest in the Upper Ucayali has been largely depleted, and work is now centred on the lower Urubamba near the rivers Inuya and Sepahua. Lumber work takes place primarily from March to August, and the transportation between November and January. Throughout these periods indigenous labour is obtained through the following methods:

1. Slavery. This consists of persons or entire families who are in permanent debt to the patrons. Many of them were captured in the *correrias* (slave raids) of the earlier part of this century, and they and their families have inherited their condition under the control of the patrons. They work in the patron's house and fields almost as his personal property and without payment. Carlos Tamani Vargas, for example, has worked for 30 years from 1957-1987 on the Fundo Chanchamayo without any salary (AIDESEP, 1988, Cuadro 4).
2. Baptism Right. According to this system children are taken from their parents, either as part of a previous debt or by force. The patron becomes the godfather and holds the children as servants or workers for life. By holding the Baptism Certificate the patron "holds with this the entire life of the Native" (Multisector Commission: 1989, p.8).

3. Habilitacion or Enganche. This debt peonage consists of the patron providing the indigenous peon, and sometimes the whole family, with a small loan or some commodities and ensuring that they will never be able to pay off the debt. There are examples of patrons keeping their peons for years, until they are no more than slaves. Even though this system is illegal, the Informe de Infracciones Forestales Recopiladas en Atalaya y Presentadas ante la Direccion General de Forestal y Fauna (AIDESEP, 1988) says: "There is no known case of indigenous forestry workers who do not work under the system of *habilitacion*. As practically 100% of the lumber workers of the region are indigenous, one can assume that all the labour is organised in this way." As a typical example, Benito Cashanga from Tahuania received in advance for one year's work, two note books, two pencils, two meters of cloth, two reels of thread, seven bars of soap, one pair of trousers and a pair of shoes.
4. Contract work. Occasionally patrons will contract indigenous labour for specific times of the year, such as for cutting trees and transporting them to the main river. The conditions of work are frequently terrible. Amalia Peso's husband, from Centro Selva Tsipani, for example, worked for two months for Adan Caña. For his work he received a pot, bowl and spoon. He died in unknown circumstances.

These four ways of contracting indigenous labour in Atalaya are not separate types. It is possible for a contracted labourer to become indebted, lose his children and family, ending up as a slave "in perpetuity".

Reports of working conditions on the farms are horrendous:

1. Little or no salary and debt peonage. For example, Abel Munoz worked from 1982 to 1987 at Capiroshampiari under Hugo Inchari. He received no salary.
2. The working day is between 10 and 12 hours. At Tahuania, Daniel Rios had to work from 5 a.m. to 6.30 p.m.. He had one plate of manioc flour per day and was told to eat quickly so as not to lose work time. He had no holidays, weekends or days off.
3. No social benefits or security. Juan Lopez Sanchez from the community of San Antonio, Sabaluyo, died while transporting wood from the farm at the Quebrada Zavalo. When the family found out by chance, the Justice of the Peace "arranged" for them to receive 20 000 Intis (at that time about US$ 50). However they were only allowed to receive 4 000 Intis. The death had been reported as having taken place "in transit" to Atalaya.
4. In addition, the health conditions on the farms and "captive communities" are atrocious. Tuberculosis is high and indigenous children have practically no possibility of education as the local patrons will not allow them to attend schools.

The treatment of indigenous people by the patrons has resulted in many human rights violations:

1. Freedom of movement. Although rare, there are cases of indigenous children being captured by "slave raiders" from their homes. Slaves within the farms are not allowed to move away without permission of the owner. In addition, the Penal Colony of Sepa on the Urubamba river borders and spills over onto the lands of several communities. Members from these communities who walk across their own lands near the Penal Colony are frequently harassed by prison officials.
2. Physical abuse. There are many accounts of torture, whipping, mutilation and disappearances. One youth, Grimaldo Pintayo Campos from the Quebrada Siticayo, aged 16, was hit with the edge of machete for refusing to collect yuca because of a severe foot infection. He escaped but lost his sight as a result of the beating. Subsequently he was hospitalised by AIDESEP in Lima (AIDESEP, 1988:16). Rape and other physical abuses of women workers is, on some farms, considered the right of the patron. A young victim was Sonia Vargas Charito from the community of Santa Rosa.
3. Against indigenous property. Patrons invade indigenous community lands and settle workers on them to extract the resources. Invasions have taken place on the lands of the indigenous communities of Diobamba, San Martin, Pamatsantsani, Tahuanti, Sabaluyo, Union Miraflores and Apinaya, to name only a few. In addition there are reports of the plundering of indigenous gardens and the theft of equipment such as motors at Fundo Nueva Luz, Diobamba, Tanbarapa, Alto Aruya and Chumichiria.
4. Racial Discrimination. Mestizos of the area openly admit that they consider Indians not to be human. Many indigenous people in "captive communities" have been forbidden to use their own names. They have to take, instead, the name of their owner. For this reason, some communities appear to have no more than one "family", that of the local patron (Multisector Commission, op.cit.:13). This phenomenon is particularly problematic during the land-titling process which relies on census data based on family numbers to estimate land classification.

Land: the Key to the Problem

The destruction of the forest from the lumber industry increases because the patrons work, whether they have permission or not. Where certificates for exploiting timber are necessary, they are easy to obtain for the patrons. Until recently indigenous land titling in the area was at a standstill.

Søren Hvalkof with Project team before take-off.
(photo: Søren Hvalkof and Andrew Gray).

Abuse of land permits are rife. Grants of land for timber exploitation have even been given illegally within community territory, such as to a well-known merchant who has openly extracted timber from the community of Acrija. Meanwhile, officials are granting titles to patrons of more than 10 000 hectares while indigenous communities receive on average less than 3 000 hectares (Multisector Commission, 1989:7).

The worst examples of land invasions of indigenous communities have taken place in the region of Atalaya itself and in the lower Urubamba, particularly around the river Sepa. Sometimes the invasions take place when the indigenous population of the community are away working for a local patron temporarily, sometimes the invasions are armed incursions. The effect is a reduction in the indigenous land base necessary for subsistence agriculture. The inability of the communities to be self-sufficient means that they become even more dependent on the local patrons.

Another form of trickery tries to break up indigenous communities by offering individual Indians possession certificates. Should the unwary Indian accept, the community is denounced by the patron as no longer existing,

and the land is treated as open for exploitation. The effect of individual land titles on indigenous communities is devastating for the continuation of a communal way of life and future existence. Throughout the Americas indigenous peoples who take over individual plots of land soon become indebted to land owners, and communities disappear for ever. Particularly pertinent examples come from the allotments of the USA, to the Agrarian Reform of Bolivia and the land decrees of Pinochet in Chile.

The indigenous peoples of Atalaya have suffered these abuses for many years. They have not been aware that this form of behaviour is illegal and many assume that non-indigenous people behave in this manner. This stoicism was rejected by some who fled from the farms and managed to avoid the armed patrols, police searches and threats of imprisonment for debt. Others disappeared completely.

The indigenous response to these abuses has increased enormously over the last five years and centres around community organisation and land titling. AIDESEP and Ashaninka organisations have been present in the area since 1987 when the Indigenous Organisation of the Region of Atalaya (OIRA) was established. Since then over 30 communities have joined OIRA and more are showing interest.

As the communities became organised, their members documented human rights abuses and began the long process of titling through the project outlined above. OIRA now has an office in Atalaya where its representatives help the communities to deal with the authorities and to protect their rights. "Compared to the situation in Atalaya Province just two years ago when no land titling was taking place and the Indians were legal prey without any civil rights, the results are impressive" (Hvalkof and Gray, 1990).

Forty eight communities have been titled in the last six months and 41 are in the process. The mobilisation and assertion of indigenous territorial rights have affected the patrons. The on-going titling process has caused a major "exodus" from these fundos (farms) of enslaved or "kept" Ashaninka labourers who, encouraged by the land titling project and the legal actions taken by AIDESEP, now claim their freedom and land-rights in the surrounding areas. This sudden drainage of the labour force has put severe pressure on the economy of both the old colonists and the new settlers, which is completely dependent on very cheap or free Indian labour" (Hvalkof and Gray, 1990).

The large land titling project in Atalaya has been a major contributing factor in alleviating the human rights problems in Atalaya over the last year. OIRA estimates that from about 300 slaves in the region, 200 have left their patrons. The remaining slaves are in fundos on the lower Urubamba.

Nevertheless, the problem is by no means solved. Atalaya is still in the hands of colonos who would like to reverse the present trends of indigenous

empowerment. The newly elected government of Alberto Fujimori will hopefully not follow the course of the centre-right FREDEMO alliance which included among their electoral promises a threat to break up indigenous communities into individual plots and increase colonisation in the rainforests of Peru.

What is vital is that the land-titling can proceed and that it is of a sufficient quality to benefit the indigenous peoples of the region. In this respect, quality in land titling refers to the size of land available for such a scheme. Too small areas do not liberate indigenous peoples but instead squeeze them into locked reserves where they cannot support themselves and are forced to become a labour supply for the local non-indigenous population. This results in nothing more than the apartheid system we see in the so-called "homelands" of South Africa.

Large areas, that preferably join together communities into territorial blocks, enable indigenous peoples to reproduce themselves economically and thereby also culturally and socially. The aim of the titling project in the Ucayali is therefore not only to recognise indigenous land rights, but ultimately to ensure that they can control their own destiny.

Indigenous Rights and Territorial Control

Throughout the indigenous world, indigenous individual land-holdings have been the most effective way of destroying cultural identity, a subsistence base and way of life. Whichever way the Peruvian government tries to backtrack on this titling programme, the effect will be to revert the whole of the Atalaya region into the same level it was in five years ago. Power will return to the hands of the old colonists and the result will be slavery and human rights abuses towards the indigenous peoples of the area as well as over-exploitation of the forest resources by the new settlers.

The Ucayali Project seeks to rid the area once and for all of all these abuses and to alert the international community to the effectiveness of land titling when controlled by indigenous communities. The aim is to promote indigenous self-determination which in this case stems from a controlled sustainable ecological base, together with a respect for their human rights.

The information work at this stage, is oriented towards providing the international community with a background to the positive developments which are taking place in the Ucayali Department in Peru. However, with the future of Peru somewhat volatile, the campaign is prepared to assume a more political profile should the trend away from slavery be reversed. With the support of the international community, AIDESEP and those officials who respect the rights of indigenous peoples to land, life and culture

will be able to continue their attempts at ensuring the future of the many Panoan and Arawak-speaking indigenous peoples of the Atalaya Province of Peru. Hopefully, the other provinces where the Land titling Project has started working, do not exhibit the same repulsive social and human characteristics as has been the case of Atalaya.

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